

By Mr. HILL of Connecticut: Petition of the Connecticut Branch of the Woman's American Baptist Home Mission Society, against bill to take the conduct of the Alaska schools out of the hands of the United States Bureau of Education—to the Committee on Education.

By Mr. HINSHAW: Petition of A. S. V. Mansfelde, against the contemplated amendment to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KEIFER: Petition of J. C. Barnes and 32 others, citizens of Gilmore, Ind. T., for admission of Oklahoma and Indian Territory to statehood—to the Committee on the Territories.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Eleanor Alexander—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George E. Yager—to the Committee on Pensions.

Also, paper to accompany bill for relief of Charles A. Hubbard—to the Committee on Claims.

By Mr. LINDSAY: Petition of Robert S. Waddell, against the powder monopoly—to the Committee on Military Affairs.

By Mr. LITTAUER: Paper to accompany bill for relief of Harvey Becker—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: Paper to accompany bill for relief of Larkin H. Davis—to the Committee on War Claims.

By Mr. McNARY: Paper to accompany bill for relief of Ann O'Neil—to the Committee on Invalid Pensions.

Also, petition of Carrie M. Goulding et al., against the conditions prevailing in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MACON: Petition of Craighead County Union, No. 35, F. E. & C. U. of A., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petition of Rock Elm Grange, of East Jordan, Charlevoix County, Mich., for increased powers of the Interstate Commerce Commission relative to adjustment of railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Kentucky: Paper to accompany bill for relief of the trustees of the Cumberland Presbyterian Church of Russellville, Ky.—to the Committee on War Claims.

By Mr. RUPPERT: Petition of 66 artists of America, for repeal of the tariff on art works—to the Committee on Ways and Means.

By Mr. SOUTHARD: Petition of Henry Davenport, Company F, Eighteenth Iowa Regiment, for the Dalzell bill (H. R. 9) to pay ex-prisoners of war confined in rebel prisons \$2 per day for the time of confinement—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: Petition of the Merchant Marine League of the United States, favoring the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Hanson Brothers, of Fall River, Mass., against the Littauer bill relative to the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Charles H. Phillips Chemical Company, for bill S. 3704, relative to the practice of dentistry in the Territories—to the Committee on the Territories.

Also, petition of the Brotherhood of Boiler Makers and Iron-ship Builders, favoring the Gallinger bill relative to marine shipping—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Board of Trade and Transportation, for an appropriation to deepen Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of the Merchant Marine League of the United States, favoring the marine subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Forest City Woolen Mill Company, against the Littauer bill (the metric system)—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Beebe-Webber Company, against the Littauer bill (the metric system)—to the Committee on Coinage, Weights, and Measures.

Also, petition of Edwin A. Abbey and 64 other artists, for repeal of the duty on art works—to the Committee on Ways and Means.

Also, petition of Robert S. Waddell, against the powder monopoly—to the Committee on Military Affairs.

Also, petition of Gens. Green B. Raum, L. A. Grant, C. D. Macdougall, Samuel J. Crawford, and Birney, for bill S. 2162, relative to a volunteer retired list—to the Committee on Military Affairs.

By Mr. WOOD of Missouri: Paper to accompany bill for relief of Bartholomew Buckley—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of E. E. H. Howard, son of Charles W. Howard—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Catherine Beauman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Laura S. Gillingwaters—to the Committee on Military Affairs.

By Mr. WOOD of New Jersey: Petition of the Globe Knitting Mills, Rambo & Regas (Incorporated), against the Littauer compulsory metric-system bill—to the Committee on Coinage, Weights, and Measures.

Also, petition of the American Free Art League, of Boston, Mass., favoring bill H. R. 15268, for removing the duty from art works—to the Committee on Ways and Means.

Also, petition of the Central Supply Association, of Chicago, Ill., against the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Chicago Branch of the National Metal Trades Association, against the Littauer bill (compulsory metric system)—to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, April 24, 1906.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

COASTWISE TRADE OF PHILIPPINE ARCHIPELAGO.

Mr. LODGE. I ask unanimous consent to call up House bill 18025—the Philippine bill—which was taken up, read, and considered, and then held back on the request of the Senator from Pennsylvania [Mr. PENROSE], who informs me that he has no further objection to the measure.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18025) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes.

Mr. GALLINGER. Mr. President, I desire to make a single suggestion in reference to this bill.

Some time ago the Senate passed a bill commonly known as the "shipping bill," and the provisions of the bill now under consideration were a part of that measure. It is a matter of extreme regret to me that the body from which this bill came has not seen proper to take up the bill which was sent to it from the Senate and pass it in its entirety. That bill contemplates action which would result, in the judgment of some of us, in the revival of American shipping.

This particular provision is, in a sense, hostile to the shipping interests of the country, and were it not for the fact that there are adequate reasons why this action should be taken, I should feel it my duty to oppose its enactment. But under existing conditions I shall withhold any opposition to the passage of the pending bill and content myself by expressing the hope that in due time the other branch of Congress will see that it is the plain duty to a great industry of this country to pass the bill which was favorably acted upon by the Senate a few weeks ago.

Mr. LODGE. The Senator from New Hampshire is of course aware that I agree with all he says most entirely and fully; but this bill is made necessary by the situation of the other bill and the near approach of the expiration of the time in which the coastwise law must go into effect in the Philippine Archipelago.

Mr. GALLINGER. That is as I understand it.

Mr. FRYE. Mr. President, I wish to concur entirely in the statement made by the Senator from New Hampshire.

Mr. CULLOM. I wish to have one of the Senators or some one else explain exactly what the bill does.

Mr. FRYE. It simply extends the provisions of the coastwise trade in regard to the Philippines.

Mr. LODGE. The bill passed the House unanimously. It is simply to postpone the operation of the coastwise laws between the Philippine Islands and the United States.

Mr. CLAY. What committee does the bill come from?

Mr. LODGE. It comes from the Committee on the Philippines with a unanimous report.

Mr. CLAY. Very well.

Mr. PERKINS. I will ask to what period it extends the time?

Mr. LODGE. It extends it to the expiration of the Spanish treaty.

Mr. GALLINGER. To the year 1909.

Mr. LODGE. April 11, 1909.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALARIES OF POSTMASTERS IN COLORADO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th ultimo, a statement from the Auditor for the Post-Office Department showing salary accounts of certain former postmasters in Colorado in the terms between July 1, 1864, and July 1, 1874, etc.; which, on motion of Mr. TELLER, was, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

FRENCH SPOILIATION CLAIM.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Abby*, Harding Williams, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Alphonse Mouillon *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 47. An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes;

S. 3045. An act to incorporate the American Cross of Honor within the District of Columbia; and

S. 4046. An act to incorporate the Edes Home.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 15071. An act to provide means for the sale of internal-revenue stamps in the island of Porto Rico;

H. R. 15961. An act to relinquish title to certain lots in the District of Columbia; and

H. R. 16730. An act to prevent the unauthorized wearing or use of badges, names, titles of officers, insignia, ritual, or ceremonies of the Benevolent and Protective Order of Elks of the United States of America.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

S. 1248. An act granting a pension to Elizabeth B. Bean;

S. 1308. An act granting an increase of pension to Emilie Grace Reich;

S. 3843. An act granting an increase of pension to Rollin T. Waller;

S. 3893. An act granting an increase of pension to David C. Howard;

S. 3984. An act granting an increase of pension to Sarah E. Yockey;

S. 3985. An act granting an increase of pension to Matilda E. Nattinger;

S. 3987. An act granting an increase of pension to Samuel H. Hancock;

S. 3996. An act granting an increase of pension to David Morehart;

S. 4088. An act granting an increase of pension to Charles E. Chapman;

S. 4102. An act granting an increase of pension to John A. Broadwell;

S. 4106. An act granting an increase of pension to Katherine Wills;

S. 4110. An act granting an increase of pension to Absalom Wilcox;

S. 4124. An act granting an increase of pension to Alden Fuller;

S. 4146. An act granting a pension to John W. Hall;

S. 4180. An act granting an increase of pension to William C. Quigley;

S. 4186. An act granting an increase of pension to Samuel G. Roberts;

S. 4228. An act granting an increase of pension to Joel S. Weiser;

S. 4233. An act granting an increase of pension to Edward M. Barnes;

S. 4247. An act granting an increase of pension to Carrick Rutherford;

S. 4258. An act granting an increase of pension to James F. Hackney;

S. 4279. An act granting an increase of pension to Fannie E. Malone;

S. 4288. An act granting an increase of pension to William E. Anderson;

S. 4301. An act granting an increase of pension to Louisa Arnold;

S. 4309. An act granting a pension to Adele Jeanette Hughes;

S. 4315. An act granting an increase of pension to Elizabeth A. Vose;

S. 4324. An act granting an increase of pension to James H. Noble;

S. 4325. An act granting an increase of pension to Jabez Miller;

S. 4339. An act to amend section 4502 of the Revised Statutes of the United States, relating to bonds and oaths of shipping commissioners;

S. 4360. An act granting an increase of pension to John P. Dunn;

S. 4386. An act granting a pension to George Thomas;

S. 4409. An act granting an increase of pension to James W. Linnahan;

S. 4424. An act granting an increase of pension to Nettie E. Tolles;

S. 4432. An act granting an increase of pension to James Dreury;

S. 4440. An act granting an increase of pension to Joseph Kauffman;

S. 4473. An act granting a pension to Hannah C. Peterson;

S. 4520. An act granting an increase of pension to Albert L. Callaway;

S. 4541. An act granting an increase of pension to Benson H. Bowman;

S. 4548. An act granting a pension to Hannah E. Wilmer;

S. 4551. An act granting an increase of pension to John F. White;

S. 4556. An act granting an increase of pension to William Jandro;

S. 4557. An act granting an increase of pension to John R. McCrillis;

S. 4606. An act granting an increase of pension to Kate Gilmore;

S. 4612. An act granting an increase of pension to Jesse A. Thomas;

S. 4622. An act granting an increase of pension to Isaiah McDaniel;

S. 4650. An act granting an increase of pension to Thomas McDonald;

S. 4675. An act granting an increase of pension to Fannie P. Norton;

S. 4683. An act granting an increase of pension to William McCann;

S. 4689. An act granting an increase of pension to John Brown;

S. 4691. An act granting an increase of pension to Aaron J. Burget;

S. 4717. An act granting an increase of pension to Ellen A. Gibbon;

S. 4775. An act granting an increase of pension to Thomas A. Maulsby;

S. 4785. An act granting an increase of pension to Nehemiah M. Brundage;

S. 4786. An act granting an increase of pension to George W. Coughanour;

S. 4797. An act granting an increase of pension to Jacob Franz;

S. 4817. An act granting an increase of pension to Delight A. Allen;

S. 4826. An act granting a pension to Sarah Agnes Earl;

S. 4834. An act granting an increase of pension to Octave Counter;

S. 4877. An act granting an increase of pension to Amanda O. Webber;

S. 4917. An act granting an increase of pension to Alfred B. Chilcote;
 S. 4925. An act to amend the act approved March 6, 1896, relating to the anchorage and movements of vessels in St. Marys River;
 S. 4972. An act granting an increase of pension to Sarah E. Hull;
 S. 4986. An act granting an increase of pension to Alfred Beham;
 S. 5016. An act granting an increase of pension to Charles G. Polk;
 S. 5074. An act granting an increase of pension to James I. Mettler;
 S. 5079. An act granting an increase of pension to Andrew J. Hunter;
 S. 5121. An act granting an increase of pension to James H. Haman;
 S. 5172. An act granting an increase of pension to John M. De Puy;
 S. 5244. An act granting an increase of pension to Horace A. Gregory;
 S. 5287. An act granting an increase of pension to John M. Prentiss;
 S. 5323. An act granting an increase of pension to Newton G. Cook;
 S. 5324. An act granting an increase of pension to Peter Sloggy;
 S. 5520. An act to amend an act entitled "An act granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes," approved March 3, 1905;
 H. R. 10152. An act granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and cemetery purposes;
 H. R. 15910. An act to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902;
 S. R. 7. Joint resolution authorizing the Secretary of the Navy to present the bell of the late U. S. sloop of war *Germantown* to the Site and Relic Society, of Germantown, Pa.; and
 H. J. Res. 141. Joint resolution for the further relief of sufferers from earthquake and conflagration on the Pacific coast.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislature of the State of Mississippi, praying for the enactment of legislation creating a broader market for cotton and cotton goods; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

[By Breland, of Neshoba County.]

A joint resolution memorializing the Congress of the United States to endeavor to create broader markets for cotton and cotton goods.

Resolved by the house of representatives of the State of Mississippi (the senate concurring). That the Congress of the United States is hereby respectfully memorialized and requested to give its influence and support to any measure tending to broaden the markets for cotton and cotton goods, thereby creating a demand for same and bringing about a more reasonable and stable price for this great staple; and also, that it use its influence with the President in bringing about these results.

Resolved further. That the Members of Congress from Mississippi are earnestly requested to place this matter before that body and use all fair means in their power to secure some action in the matter at this session of Congress.

Adopted by the House January 22, 1906.

L. PINK SMITH, *Clerk of House.*

Adopted by the Senate April 18, 1906.

JOHN Y. MURRY, *Secretary of Senate.*

Signed by the governor April 20, 1906.

JAS. K. VARDEMAN,
Governor of Mississippi.

The VICE-PRESIDENT presented a joint resolution of the general assembly of the State of Virginia, conveying thanks to the President of the United States and to Congress for the restoration to that State of Confederate flags, etc.; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Joint resolution adopted by the general assembly of Virginia.

Whereas the United States have recently, in a spirit of fraternity and good will, restored to the State of Virginia many of the flags under which the sons of the old Commonwealth performed heroic and patriotic services during the years of 1861 to 1865: Therefore, be it

Resolved by the house of delegates (the senate concurring). That the keeper of the rolls of Virginia be directed to convey the thanks of this general assembly and of this State to the President of the United States, the Congress of the United States, and to Representative Lamb,

of Virginia, who introduced the bill under the provisions of which this restoration was possible, for this gratifying action.

Agreed to by the senate February 23, 1906.

JOS. BUTTON, *Clerk of Senate.*

Agreed to by house of delegates February 23, 1906.

JOHN W. WILLIAMS,
Clerk of House of Delegates.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the ratification of the proposed treaty between the United States and Santo Domingo; which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Free Art League, of Boston, Mass., praying for the enactment of legislation to remove the duty on works of art; which was referred to the Committee on Finance.

Mr. GALLINGER presented the petition of John B. Sleman, of Washington, D. C., praying for the enactment of legislation to establish public playgrounds in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BULKELEY presented a memorial of the Woman's American Baptist Mission Society of Voluntown, Conn., remonstrating against the enactment of legislation providing for the education and care of the Indians and Eskimos of Alaska; which was referred to the Committee on Territories.

He also presented a memorial of Local Division No. 281, Amalgamated Association of Street and Electric Railway Employees of America, of New Haven, Conn., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Connecticut Chapter of the American Institute of Architects of Hartford, Conn., praying for the enactment of legislation to remove the duty on works of art; which was referred to the Committee on Finance.

He also presented a petition of Plainville Grange, Patrons of Husbandry, of Plainville, Conn., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. PENROSE presented a petition of the General Federation of Women's Clubs of Philadelphia, Pa., and a petition of the New Century Club of Coudersport, Pa., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of Barbara Frietschie Council, No. 84, Daughters of Liberty, of Shenandoah, Pa., and a petition of Washington Camp, No. 374, Patriotic Order Sons of America, of Orbisonia, Pa., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of 44 citizens of Milton, of the Woman's Christian Temperance Union of Milton, and of the congregation of the United Brethren in Christ of Milton, all in the State of Pennsylvania, remonstrating against the enactment of legislation providing for an extension of time in the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the T Square Club, of Philadelphia, Pa., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Trades League, of Philadelphia, Pa., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Camp De La Loma, No. 6, Army of the Philippines, of Uniontown, Pa., praying for the enactment of legislation providing special medals to all officers and enlisted men who served beyond their legal enlistment to suppress the Philippine insurrection; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of the Territory of New Mexico, praying for the enactment of legislation requiring that notices of selections of public lands be amended so as to require such notice to be posted at the post-office nearest the land so selected; which was referred to the Committee on Public Lands.

He also presented a memorial of the Alumnae Association of

the Girls' High and Normal Schools, of Philadelphia, Pa., remonstrating against the repeal of the so-called "Morris law" for the protection of the forests of the United States; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Alumnae Association of the Girls' High and Normal Schools, of Philadelphia, Pa., praying for the enactment of legislation to establish national forest reserves in the Appalachian and White mountains; which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 5609) for the relief of Annie E. White Shipp and the heirs of Patrick White; which were referred to the Committee on Claims.

Mr. PROCTOR presented a petition of the Woman's Club, of St. Johnsbury, Vt., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented a petition of the Hartford Branch of the Connecticut Children's Aid Society, of Hartford, Conn., and a petition of the Saturday Club, of New London, Conn., praying for the enactment of legislation providing for an investigation into the industrial condition of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a memorial of Local Division No. 281, Amalgamated Association of Street and Electric Railway Employees of America, of New Haven, Conn., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Business Men's Club, of Cincinnati, Ohio, praying for the enactment of legislation providing for the acquisition of forest reservations in the Appalachian and White mountains; which was ordered to lie on the table.

Mr. LONG presented sundry papers to accompany the bill (S. 4552) for the relief of William Fletcher; which were referred to the Committee on Claims.

He also presented the petitions of I. D. Hibner and 19 other citizens of Olathe, Kans., and of Charles M. Johnston and 5 other citizens of Caldwell, Kans., praying for the removal of the internal-revenue tax on denatured alcohol; which were referred to the Committee on Finance.

Mr. KNOX presented petitions of W. Siminton, of Washington; E. T. Thomas, of Sharon; T. C. Peterson, of Sharon; James Smith, of Sharon, and J. M. Smith, of Sharon, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of the New Century Club, of Coudersport; the Civic Club, of Bloomsburg; Philadelphia Section, Council of Jewish Women, of Philadelphia, and the Review Club, of Oak Lane, Philadelphia, all in the State of Pennsylvania, praying that an appropriation be made for a scientific investigation into the industrial condition of women in the United States; which were referred to the Committee on Education and Labor.

He also presented petitions of Local Council No. 84, Daughters of Liberty, of Shenandoah; Local Council No. 140, Daughters of Liberty, of Falls of the Schuylkill; of Washington Camp, No. 374, Patriotic Order Sons of America, of Orbisonia; Local Lodge No. 225, Brotherhood of Railroad Trainmen, of Pittsburgh; Local Council No. 906, Junior Order United American Mechanics, of Akron; of Washington Camp, No. 404, Patriotic Order Sons of America, of Philadelphia; Local Council No. 1022, Junior Order United American Mechanics, of Dunmore; John L. Johnston, of Allegheny City; Bartley Fuller, of Scranton; H. B. Sears, of Scranton; H. H. Kreiser, of Aliquippa; Harry M. Steiner, of Greensburg; Henry J. Geisel, of Philadelphia; H. C. Stiefel, of Pittsburgh; John Pfeiffer, of Tower City, and Eugene Horn, of Tower City, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of Rossell Brothers Company, of Philadelphia; A. B. Farquhar Company, of York; Pooley Furniture Company, of Philadelphia; William Wuerthele, of Pittsburgh; The Scranton Bedding Company, of Scranton; The Lancaster Silver Plate Company, of Lancaster; Columbia Grange, No. 83, of Columbia Crossroads; Hubbard & Rupp, of Philadelphia; Knowlton & Co., of Philadelphia; H. Kleber & Bro., of Pittsburgh; Heywood Brothers & Wakefield Company, of Philadelphia, and Frank Schoble & Co., of Philadelphia, all in

the State of Pennsylvania, and of Brotherhood of Painters, Decorators and Paper Hangers of America, of Lynn, Mass., praying for the enactment of legislation to remove the duty on alcohol used for industrial purposes; which were referred to the Committee on Finance.

He also presented memorials of D. C. Greenewald, of Bradford; Thomas L. Kane, of Kane; Wright & Miller, of Nansen; C. A. Anderson, of Colegrove; Custer City Chemical Company, of Custer City; Alton Chemical Company, of Bradford; Wyman Chemical Company, of Bradford; Bradford Chemical Company, of Bradford; The Nansen Supply Company, of Nansen; W. H. Powers, of Bradford; National Chemical Company, of Bradford, and Nansen Chemical Company, of Nansen, all in the State of Pennsylvania, remonstrating against the enactment of legislation to remove the duty on alcohol used for industrial purposes; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, reported an amendment proposing to appropriate \$250,000 for the construction of a steam vessel for the purpose of destroying wrecks, derelicts, and other floating dangers to navigation, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MARTIN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 8952) for the relief of the trustees of Weir's Chapel, Tippah County, Miss.; and

A bill (S. 350) for the relief of the heirs of Joseph Sierra, deceased.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 17945) authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River, reported it without amendment.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (S. 553) for the relief of J. W. Patterson, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, reported an amendment proposing to increase the compensation of patrol drivers, Metropolitan police of the District of Columbia, from \$600 to \$720 each per annum, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. ANKENY, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (H. R. 14184) to extend the irrigation act to the State of Texas, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 4926) for the relief of Etienne De P. Bujac, reported it without amendment, and submitted a report thereon.

Mr. BACON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 11501) to amend an act to provide for circuit and district courts of the United States at Albany, Ga., reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 11029) to authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va., reported it without amendment, and submitted a report thereon.

Mr. McCUMBER (for Mr. PATTERSON), from the Committee on Pensions, to whom was referred the bill (S. 4569) granting an increase of pension to Augustus A. Nevins, reported it without amendment, and submitted a report thereon.

He also (for Mr. PATTERSON), from the same committee, to whom was referred the bill (S. 1513) granting an increase of pension to Harriet A. Rawles, reported it with amendments, and submitted a report thereon.

He also (for Mr. PATTERSON), from the same committee, to whom was referred the bill (S. 4718) granting an increase of pension to George W. Gilson, reported it with an amendment, and submitted a report thereon.

COASTING DISTRICTS.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5572) to amend section 4348 of the Revised Statutes, establishing great coasting districts of the United States, to report it favorably without amendment, and I submit a report thereon. The bill is a short one, and I ask for its present consideration.

The Secretary read the bill.

Mr. FULTON. I would be pleased to be informed by the Senator from Maine what change the bill makes.

Mr. FRYE. It is simply a consolidation of three districts on the Atlantic coast.

Mr. FULTON. It makes no change on the Pacific?

Mr. FRYE. It does not.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend section 4348 of the Revised Statutes so as to read:

SEC. 4348. The seacoasts and navigable rivers of the United States and Porto Rico shall be divided into five great districts, the first to include all the collection districts on the seacoasts and navigable rivers between the northern boundary of the State of Maine and the southern boundary of the State of Texas; the second to consist of the island of Porto Rico; the third to include the collection districts on the seacoasts and navigable rivers between the southern boundary of the State of California and the northern boundary of the State of Washington; the fourth to consist of the Territory of Alaska; the fifth to consist of the Territory of Hawaii.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. I ask that the report of the committee and the letter from the Secretary of Commerce and Labor be printed in the RECORD.

There being no objection, the report and letter were ordered to be printed in the RECORD, as follows:

The Committee on Commerce, to whom was referred the bill (S. 5572) to amend section 4348 of the Revised Statutes, establishing great coasting districts of the United States, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Commerce and Labor Department, as will appear by the letter of the Secretary, which explains the purpose and effect of the measure.

The only direct change effected by the bill is to consolidate the three great coasting districts of the Atlantic into one, thus relieving our vessels sailing from one to another of these of numerous restrictions, including the filing of manifests when carrying certain cargoes.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, April 23, 1906.

Hon. WILLIAM P. FRYE,

Chairman Committee on Commerce, United States Senate.

SIR: The Department has received your letter of the 10th instant, inclosing S. 5572, to amend section 4348 of the Revised Statutes, establishing great coasting districts of the United States.

Replying to your request that I furnish the committee with such suggestion as I may deem proper touching the merits of the bill and the propriety of its passage, I have to state that the Department favors the bill.

The great coasting districts of the United States are now divided as follows:

First. East limits of the United States (Maine) to southern limits of Georgia.

Second. River Perdido (west boundary of Florida) to the Rio Grande.

Third. Southern limits of Georgia to river Perdido (exclusively the State of Florida).

The numerical order in section 4348, Revised Statutes, does not now follow the geographical order of customs districts, because Florida was annexed later to the United States than Louisiana.

Fourth. Pacific coast—no specific authority of law.

Fifth. Alaska. (Sec. 4358, Rev. Stat., "Navigation laws," p. 247.)

Sixth. Hawaii. (Act of April 30, 1900; sec. 98, "Navigation laws," p. 235.)

Seventh. Porto Rico. (Act of April 12, 1900, sec. 9, "Navigation laws," pp. 238-239.)

The first purpose of the bill is to bring into one concise section the various scattered statutory definitions of the great districts.

The second purpose is to simplify the legal requirements relating to the Atlantic coasting trade, confined to American vessels, and to obviate the complicated requirements of law governing the coasting trade between Atlantic and Gulf ports by consolidating the three Atlantic and Gulf districts into one great district, similar to the Pacific coast.

These complicated requirements are found particularly in sections 4349, 4350, 4351, 4352, 4353, 4354, 4355, 4356, Revised Statutes. ("Navigation laws," pp. 226-230.) These sections are portions of the act of February 18, 1793, and are one hundred and thirteen years old. The conditions of the times when they were enacted have passed away, and as an examination of the sections cited will show they impose dilatory conditions no longer necessary, especially in the coasting trade of the State of Florida.

American shipping in the coasting trade, especially along the Atlantic coast, is now in keen competition with the railroads, which did not exist in 1793. The Department favors the bill as a measure of relief for American shipping.

Respectfully,

LAWRENCE O. MURRAY,
Acting Secretary.

BILLS INTRODUCED.

Mr. RAYNER (for Mr. GORMAN) introduced a bill (S. 5828) for the relief of the heirs of Benjamin T. Hodges; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 5829) to correct the military record of Uriah Yingling; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5830) providing for the taking of testimony in cases at law or in equity now pending or hereafter to be brought in the circuit courts of the United States;

which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5831) for the relief of Frances M. Egan, administratrix of Patrick Egan, deceased, surviving partner of Donnelly & Egan; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5832) granting a pension to Bridget Nolan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5833) granting an increase of pension to Daniel Hanesworth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 5834) granting an increase of pension to Charles F. Sheldon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BRANDEGEE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5835) granting an increase of pension to Jonathan K. Bucklyn;

A bill (S. 5836) granting an increase of pension to Daniel Loosley;

A bill (S. 5837) granting an increase of pension to Oliver W. Gates;

A bill (S. 5838) granting an increase of pension to Charles F. Reynolds;

A bill (S. 5839) granting an increase of pension to David Wight;

A bill (S. 5840) granting an increase of pension to Esther A. Turner; and

A bill (S. 5841) granting an increase of pension to William C. Gardiner.

Mr. LONG introduced a bill (S. 5842) granting a pension to Marie G. Lauer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DICK introduced a joint resolution (S. R. 51) providing for the erection of a statue of the late Hon. Edwin M. Stanton, Secretary of War under Presidents Lincoln and Johnson; which was read twice by its title, and referred to the Committee on the Library.

GRADING OF PENNSYLVANIA AVENUE EAST.

Mr. RAYNER (for Mr. GORMAN) submitted an amendment proposing to appropriate \$5,000 for continuing the grading of Pennsylvania avenue east from Branch avenue to the District line, intended to be proposed by Mr. GORMAN to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate \$1,732 for the purchase of lot 143, square 1282, adjoining the Jackson School building, for a playground for that school, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate \$25,000 for bronze medals to be presented by the Secretary of War to such volunteer officers and enlisted men as served beyond the terms of their enlistment to help to suppress the Philippine insurrection, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FLINT submitted an amendment authorizing the Postmaster-General to use the average weight of mails ascertained during the period from February 20 to April 17, 1906, in adjusting the compensation, according to law, on such railroad routes as, in his judgment, may have been affected by the earthquake calamity in California on April 18, 1906, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. DRYDEN, it was

Ordered, That a letter from W. E. Hoyt, on file with the Senate Committee on Pensions, in connection with the bill to pension locomotive engineers, be withdrawn from the files of the Senate, no adverse report having been made on that measure.

JAMES D. VERNAY.

Mr. WARREN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2325) for the relief of James D. Vernay.

INSURANCE CONVENTION IN CHICAGO.

On motion of Mr. BULKELEY, it was

Ordered, That there be a reprint of Senate Document No. 333, Fifty-ninth Congress, first session, being a "Message from the President of the United States, transmitting the report and recommendations, with accompanying papers, of the insurance convention which met in February last at Chicago," which was printed April 17, 1906, and referred to the Committee on Judiciary.

HOUSE BILLS REFERRED.

H. R. 15071. An act to provide means for the sale of internal-revenue stamps in the island of Porto Rico, was read twice by its title, and referred to the Committee on Finance.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 15961. An act to quiet titles to certain lots in the District of Columbia; and

H. R. 16730. An act to prevent the unauthorized wearing or use of badges, names, titles of officers, insignia, ritual, or ceremonies of the Benevolent and Protective Order of Elks of the United States of America.

CONDEMNATION OF INSANITARY BUILDINGS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 47) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, which were, on page 2, line 7, to strike out "and by its direction;" on page 2, line 9, after the word "postmeridian," insert "peaceably;" and on page 2, line 10, strike out all after "same" down to and including "act" in line 13.

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

THE EDES HOME.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4046) to incorporate the Edes Home; which were, on page 2, line 9, to strike out the comma and insert a period; and on page 2, strike out line 10, down to and including "held," line 11, and insert "The property held by the said corporation actually and exclusively used and occupied for the home provided in section 1 of this act shall while and as long as so actually and exclusively used and occupied."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

THE AMERICAN CROSS OF HONOR.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3045) to incorporate the American Cross of Honor within the District of Columbia, which was, on page 1, after line 15, insert "Congress reserves the right to amend, alter, or repeal this act."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

LAND IN PORT ANGELES, WASH.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (H. R. 16954) providing for the reappraisal of certain suburban lots in the town site of Port Angeles, Wash.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, to add at the end the following proviso:

Provided, That no patent shall issue to any of the lots so reappraised until the purchaser thereof has proven to the satisfaction of the Secretary of the Interior that he has expended not less than \$300 in permanent improvements on each lot purchased by him.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the reappraisal of all un-sold and undisposed-of suburban lots not reserved for public purposes in the town site of Port Angeles, Wash., and all of said lots so reappraised to be subject to sale at private entry only at such reappraised price: *Provided*, That no patent shall issue to any of the lots so reappraised until the purchaser thereof has proven to the satisfaction of the Secretary of the Interior that he has expended not less than \$300 in permanent improvements on each lot purchased by him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CONDEMNATION OF LAND FOR STREETS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 17217) to amend an act entitled

"An act to establish a code of law for the District of Columbia," regulating proceedings for condemnation of land for streets.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PASSAIC, N. J.

Mr. DRYDEN. I ask unanimous consent for the present consideration of the bill (S. 5581) to provide for the purchase of a site and the erection of a public building at Passaic, N. J.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 4, before the word "feet," to strike out "twenty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase by private sale, secure by condemnation, or otherwise acquire a site for and cause to be erected thereon a suitable building, with fireproof vaults therein, for the accommodation of the United States post-office in the city of Passaic, in the county of Passaic and State of New Jersey. The plans, specifications, and full estimates for said building shall be previously made and approved, according to law, and shall not exceed, for the site and building complete, the sum of \$100,000, which is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELECTRIC POWER PLANTS IN FOREST RESERVES.

Mr. FLINT. I ask unanimous consent for the consideration of the bill (H. R. 11490) granting the Edison Electric Company a permit to occupy certain lands for electric power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY CHAPLAINS.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 5648) to amend section 12 of the act approved February 2, 1901, "An act to increase the efficiency of the permanent military establishment of the United States."

The Secretary read the bill.

Mr. KEAN. What is the "one for Corps of Engineers?"

Mr. BULKELEY. A chaplain.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. I have no objection to its consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, after the word "artillery," at the end of line 6, to insert "wherever the same occurs in said section;" so as to make the bill read:

Be it enacted, etc., That section 12 of the act approved February 2, 1901, "An act to increase the efficiency of the permanent military establishment of the United States," is hereby amended by inserting, after the word "artillery," wherever the same occurs in said section, the words "and one for the Corps of Engineers."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF FERNANDO J. MORENO.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill (S. 352) for the relief of the heirs of Fernando J. Moreno, deceased.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, on page 1, line 7, before the word "dollars," to strike out "five thousand" and insert "nine hundred;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. Louisa Moreno, Mrs.

W. A. Blount, Mrs. E. T. Hunt, Fernando Moreno, Mason S. Moreno, and Miss Louisa Moreno, heirs of Fernando J. Moreno, deceased, the sum of \$900, out of any money in the Treasury not otherwise appropriated, in full compensation for services rendered by said Fernando J. Moreno in guarding and caring for 1,430 African slaves brought to Key West, Fla., by the United States vessels Crusader, Mohawk, and Wyandotte in the year 1860, the said Moreno being requested and directed to perform said service by the authorities of the United States while he was holding the office of United States marshal for the southern district of the State of Florida.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. Mr. President, if it is agreeable to Senators at this time, I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 66, after line 8, to insert:

That section 5 of an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," as amended by the act of Congress approved on the 27th day of June, 1902, entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," is hereby amended in line 92 by inserting, after the word "lakes," the words "excepting Cooper Island in Cass Lake," and in line 94, after the word "Interior," by inserting the sentence "And Cooper Island in Cass Lake composed of the following-described pieces of land situate in the State of Minnesota, to wit: Lots 1 and 2 of section 25; lot 1 of section 26; the southeast quarter of the southeast quarter, and lots 5 and 6 of section 27; lots 1, 2, 3, and 4 of section 34; the west half of the northwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, and lots 1, 2, 3, 4, 5, 6, 7, and 8 of section 35; lots 1, 2, 3, and 4 of section 36; all in township 146 north, range 31 west; also lot 1 of section 1; lots 1, 2, 3, and 4 of section 2, of township 145 north, range 31 west, is hereby reserved for and granted to the State of Minnesota, to be used as a State forest reserve or public park, upon condition that if at any time the State shall cease to use the said island so reserved and granted for forest reserve or park purposes the title to the same shall be forfeited and shall revert to the United States.

Mr. GALLINGER. I will ask the Senator from Minnesota if the note I have here is correct, that there are six allotments on the island named in that amendment? If so, I assume that those people can not be deprived of their property without compensation in some form.

Mr. CLAPP. They certainly can not be. This provision of the bill can not take their allotments away from them.

Mr. GALLINGER. So that if they are there, the amendment, if adopted, would not dispossess them in any way?

Mr. CLAPP. It could not.

Mr. GALLINGER. If that is clear, I have no objection.

Mr. CLAPP. To avoid any question as to that, I will say to the Senator that there is no objection to the insertion of a proviso to that effect, although I am very clear on the point.

Mr. GALLINGER. I think, if the Senator would accept a proviso of that character, it would be more satisfactory. Do I understand the Senator will move to insert such a proviso?

Mr. CLAPP. I will attend to the matter in conference.

Mr. GALLINGER. Very well.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 69, line 20, after the date "1889," to insert "and an act entitled 'An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota,' approved February 20, 1904;" and on page 70, line 7, after the word "much," to insert "thereof;" so as to read:

That the Secretary of the Interior is hereby authorized to cause to be made a drainage survey of the lands ceded by the Chippewa Indians in the State of Minnesota under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and an act entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota," approved February 20, 1904, which remain unsold, and are wet, overflowed, or swampy in character, with a view to determining what portions thereof may be profitably and economically reclaimed by drainage, the number, location, cost, and extent of drainage ditches, canals, or improved natural water courses required to afford drainage outlets; and whether a sufficient fund for such improvement could be provided by an increase in the price at which such unsold ceded lands should be sold in the future, and the sum of \$15,000, or so much thereof as may be necessary, etc.

The amendment was agreed to.

The next amendment was, on page 70, after line 17, to insert:

That all restrictions as to sale, incumbrance, or taxation for allotments within the White Earth Reservation in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed; and as to full bloods, said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own business affairs.

Mr. GALLINGER. I will ask the Senator from Minnesota if, in removing these restrictions on allotments, as provided for in this amendment, there ought not to be a provision to issue patents in fee to those people?

Mr. CLAPP. That is a matter as to which I should have no objection one way or the other. I will put in a provision to that effect if the Senator so desires.

Mr. GALLINGER. I should like to have the amendment amended in that particular.

Mr. CLAPP. That is, with the understanding that they have the right to patents.

Mr. GALLINGER. Precisely.

Mr. CLAPP. Not that it shall be discretionary?

Mr. GALLINGER. Oh, no; but that they have the right to patents.

Mr. CLAPP. I will attend to that.

The VICE-PRESIDENT. Without objection, the amendment will be considered as agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Northern Cheyennes and Arapahoes (Treaty)," on page 73, after line 8, to insert:

For the purchase of helves and bulls for the Indians on the Northern Cheyenne Indian Reservation, Tongue River Agency, Mont., \$30,000: *Provided*, That the expenditure of this money shall be under the direction of the Secretary of the Interior, who shall purchase the cattle and regulate their distribution according to such rules and regulations as in his discretion he may deem best.

The amendment was agreed to.

Mr. CLAPP. There is no objection to the reading of the next amendment, beginning in line 16, on page 73, in relation to the Blackfeet Reservation, at this time, Mr. President, but the Senator from Montana [Mr. CARTER], who seems to be absent at this moment, asked that it be passed over for to-day.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. CARTER entered the Chamber.

The VICE-PRESIDENT. The Senator from Montana is present.

Mr. CARTER. Let the amendment be read, Mr. President.

Mr. CLAPP. Very well; let it be read. I have no objection to that.

The next amendment of the Committee on Indian Affairs was, on page 73, after line 15, to insert:

BLACKFEET RESERVATION.

That so soon as all the lands embraced within the Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and may rightfully belong on said reservation: *Provided*, That all water rights and privileges on or connected with streams within or adjoining said reservation shall be subject to the laws of the State of Montana, and all proceedings in any pending suit commenced by the United States praying for an injunction to enjoin the use of the waters of any such stream shall be suspended, and no like suit shall hereafter be commenced or prosecuted by the United States against any person or company actually using the water of any of the streams aforesaid for a beneficial purpose: *And provided further*, That there shall be allotted to each adult or head of family 80 acres of irrigable land and 120 acres of additional land valuable only for grazing purposes, or at the option of the allottee, the entire 160 acres may be taken in land valuable only for grazing purposes, and to each person under 18 years of age one-half of such acreage, respectively: *Provided further*, That the Holy Family Mission on Two Medicine Creek is hereby granted 320 acres of land, to be selected by the authorities of said mission, embracing the mission buildings and improvements thereon, and the Secretary of the Interior may reserve such lands as he may deem necessary or desirable for agency, school, and religious purposes; also such tract or tracts of grazing and timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine.

That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior, said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, and the other two resident citizens of the State of Montana.

That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk, at a salary of not to exceed \$5 per day.

That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of 40 acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisal said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land;

fourth, timber land, and fifth, mineral lands: *Provided*, That mineral lands shall not be appraised.

That said commissioners shall be paid a salary of not to exceed \$10 per day each while actually employed in the inspection and classification of said funds, such inspection and classification to be completed within nine months from the date of the organization of said commission.

That when said commission shall have completed the classification and appraisal of all of said lands and the same shall have been approved by the Secretary of the Interior, the land shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands and except such sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation not exceeding 2 sections in any one township, which selections shall be made prior to the opening of the lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections 16 and 36 so granted, or the lands within said reservation selected in lieu thereof, the sum of \$1.25 per acre.

That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars and the Philippine Insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged, but no entry shall be allowed under section 2306 of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than \$1.25 per acre for agricultural and grazing lands and \$5 per acre for timber lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That he shall make his final proofs in accordance with the homestead laws within seven years from date of entry, and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must receive their full naturalization papers: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price of land is \$1.25 per acre: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, or to make final proof within seven years from date of entry, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and canceled: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

That if, after the approval of the classification and appraisal, as provided herein, there shall be found lands within the limits of the reservation under irrigation projects deemed practicable under the provisions of the act of Congress approved June 17, 1902, known as the "reclamation act," said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value, as provided in this act, into the reclamation funds: *And provided further*, That all lands hereby opened to settlement remaining undisposed of at the end of five years from the taking effect of this act shall be sold to the highest bidder for cash, at not less than \$1.25 per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without regard to the minimum limit above stated: *Provided*, That not more than 160 acres of land shall be sold to any one person or company.

That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, or timber lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids to the highest bidder for cash at not less than \$5 per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding 40 acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid.

That after deducting the expenses of the commission of classification, appraisal, and sale of lands, and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe. Not exceeding one-third of the total amount thus deposited in the Treasury, together with one-third of the amount of the principal of all other funds now placed to the credit of or which is due said tribe of Indians from all sources, shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians, in the construction and maintenance of irrigation ditches, the purchase of stock cattle, horses, and farming implements, and in their education and civilization. The remainder of all funds deposited in the Treasury, realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of

Indians, shall, upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by said Secretary; the funds thus allotted and apportioned shall be placed to the credit of such individuals upon the books of the United States Treasury for the benefit of such allottees, their legatees, or heirs. The President may, by Executive order, from time to time order the distribution and payment of such funds or the interest accruing therefrom to such individuals members of the tribe as in his judgment would be for the best interest of such individuals to have such distribution made, under such rules and regulations as he may prescribe therefor: *Provided*, That so long as the United States shall hold the funds as trustee for any member of the tribe, the Indian beneficiary shall be paid interest thereon annually at the rate of 4 per cent per annum.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$65,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of \$1.25 per acre; also the sum of \$75,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisal and survey of said town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands.

That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36 or the equivalent in each township that may be granted to the State of Montana, the reserved tracts mentioned in section 2 for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks not less than 80 acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements. Such town sites shall be surveyed, appraised, and disposed of as provided in section 2381 of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter at any time prior to the day fixed for the public sale, and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots the applicant shall make proof to the satisfaction of the register and receiver of the land district in which the land lies of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order with the other unimproved and unoccupied lots: *Provided, however*, That no lot shall be sold for less than \$10: *And provided further*, That said lots when surveyed shall approximate 50 by 150 feet in size.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. CLAPP. On page 82, line 22, in the amendment of the committee, after the word "Montana," are the words "the reserved tracts mentioned in section 2." That should be changed so as to read "the reserved tracts hereinbefore mentioned." I think there will be no objection to making that change now.

Mr. LODGE. Certainly not. I understand the committee amendment goes over, and I reserve the point of order upon it.

The VICE-PRESIDENT. The proposed amendment will be stated by the Secretary.

The SECRETARY. On page 82, line 22, after the word "tracts," it is proposed to amend the amendment of the committee by inserting the word "hereinbefore;" and after the word "mentioned," in the same line, by striking out the words "in section 2;" so as to read:

That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36 or the equivalent in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The committee amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Winnebagoes (Treaty)," on page 86, after line 4, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe, to pay to the Santee Sioux Indians in Nebraska and the Ponca Indians in Nebraska the shares of said Indians in the principal permanent fund

appropriated and placed in the Treasury of the United States to the credit of the Sioux Nation of Indians by the seventeenth section of the act of Congress approved March 2, 1889 (Stat. L., vol. 25, p. 895): *Provided*, That the shares of minors until they become of age, and the shares of incompetents, shall remain in the Treasury, and the interest on such shares may, in the discretion of the Secretary of the Interior, be paid to the parents or legally appointed guardians of such minors and incompetents under such regulations as he may prescribe; or he may direct that the share of any minor or incompetent be paid to the parent or legal guardian, on the recommendation of the Commissioner of Indian Affairs, if deemed necessary for their best interests: *Provided further*, That the Secretary of the Interior may withhold any of the payments herein provided for if in his judgment it would be to the best interests of the member entitled to said payment to do so. And so much of the act of April 21, 1904 (vol. 33, Stat. L., p. 201), as relates to retaining minors' and incompetents' shares in the Treasury is hereby amended so as to permit the shares of the tribal trust funds belonging to minors or incompetents to be paid in like manner to the parents or legal guardians.

The amendment was agreed to.

The next amendment was, on page 87, after line 8, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert H. Reynolds or his personal representatives, out of any money in the Treasury not otherwise appropriated, the sum of \$2,290.49, for and on account of two United States Indian vouchers in the amounts, respectively, of \$907.98 and \$1,382.51, issued on the 26th day of March, 1877, to Dwight J. McCann, an Indian freight contractor, and cashed by the said Albert H. Reynolds, and which said vouchers were allowed for payment by the Commissioner of Indian Affairs on the 2d day of May, 1877, and afterwards refused.

The amendment was agreed to.

The next amendment was, on page 88, in line 1, after the word "them," to insert "Reuben Cabana, Lewis Dick, Margaret La Flesche Diddock, Henry Warner, Roy Owens D. Stabler, Ne ka ga he, or Noah La Flesche, Ta in ge na Cook, James B. Atkin, Omaha allottees;" in line 4, after the word "allottees," to strike out "Louis Dick and Ida C. Shott, Elsie Grace Pilcher, William H. Campbell, Henry Guitar, Harriet L. Pilcher, Me khu bae, or Anna Mary Walker, Omaha allottees Nos. 962, 916, 492, 892, 420, 366, and 369, respectively; David St. Cyr, Daniel Rice, Alexander St. Cyr, Charles Raymond, Louis Arnell, Louis St. Cyr, Mrs. Elsie E. Paulson, nee Perry, Mrs. Henrietta Lemmon, and Henry Lemmon, Winnebago allottees Nos. 248, 419, 139, 338, 237, 245, 509, 132, and 136, respectively; Mary Whiting, Ponca (Nebraska) allottee No. 11; Rosa Baker, Emma N. Post, Mary Knudsen;" in line 22, after the name "Mary Knudsen," to insert "Bertha F. Knudsen;" and in line 22, after the name "Bertha F. Knudsen," to strike out "Buffalo Chip, White Dog, Frank Sherman, Rums Bowling or William Elk, William Bear, and Mary Lessor, Ponca (Nebraska) allottees Nos. 39, 106, 20, 2, 100, 88, 84, 95, and 133, respectively; Josephine Amell, Winnebago allottee No. 235; Zally Rulo, Ponca (Nebraska) allottee No. 83; George W. Dupuis, Koyakewin, William Holmes, Mary Rockwood, Henry Ross, Frank H. Young, Samuel Baskin, John Hoffman, David Thomas, Joseph Coursoll, jr., Samuel Thomas, Cecilia Coursoll, Julia Rouillard, Frederick A. Dupuis, Amelia Jones, Eliza Rouillard, Edward Mackey, Andrew Jackson Felix, David Mazakute, Henry Felix, Wakinyang or Samuel, Alfred Dupuis, Samuel Campbell, Mary Coursoll, Thomas Whipple, Jannie Cox, Reuben H. Cahney, Sarah Sheridan, Tae hu tam be or Harvey Warner, Ge u ka or Charles Stabler, Peter Felix, jr., Hin han skaden or Thomas Whiteowl, Dennie Felix, James Hemans, Charles Wicanhpudutawin, Bushman Chapman, Wacanga, George Goodteacher, Asdohewin, John Halfiron, David Boy, Hupojanjanwin, Samuel Stone, Andrew Sherman, Wospimaniwin, Phillip Webster, Joseph Paypay, Sarah Jones, Cantanna or Thomas Whipple, Wihaki or Lina Whipple, Thomas Rouillard, Samuel Whipple, August Trudell, John Ross, and Joseph Samuels, Santee Sioux allottees Nos. 195, 32, 839, 179, 758, 99, 844, 359, 427, 53, 425, 76, 831, 71, 816, 830, 677, 710, 394, 709, 386, 194, 821, 74, 807, 246, 314, 292, 508, 396, 708, 468, 714, 363, 375, 650, 15, 100, 344, 204, 788, 349, 311, 379, 50, 326, 472, 126, 809, 810, 828, 396, 548, 513, and 826, respectively; on page 90, line 23, after the word "respectively," to insert "Edward Blacksmith, Maud N. Dupuis, Louis Frenier, Nagilyoptewin, David Whale, Charles Hedges, allottee No. 46; John B. Wapaha, allottee No. 234; Samuel Hoffman, allottee No. 343, Santee Sioux schedule;" and on page 91, line 3, after the word "schedule," to strike out "Fannie Baker, Rosebud Sioux allottee No. 1, Sioux Ceded Tract; James Garvie, Santee allottee No. 15;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: Reuben Cabana, Lewis Dick, Margaret La Flesche Diddock, Henry Warner, Roy Owens D. Stabler, Ne ka ga he, or Noah La Flesche, Ta in ge na Cook, James B. Atkin, Omaha allottees; Bertha F. Knudsen; Edward Blacksmith, Maud N. Dupuis, Louis Frenier, Nagilyoptewin, David Whale, Charles Hedges, allottee No. 46; John B. Wapaha, allottee No. 234; Samuel Hoffman, allottee No. 343, Santee Sioux schedule; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

The amendment was agreed to.

The next amendment was, on page 91, after line 7, to insert:

That the Secretary of the Interior may, in his discretion, issue patent in fee to Good Hawk, Ponca (Nebraska) allottee No. 199, for such portion of the land allotted him as he may so approve, to be sold under direction of said Secretary and the issuance of said patent shall operate to remove all restrictions as to the sale, incumbrance, or taxation of the land so patented.

The amendment was agreed to.

Mr. CLAPP. In this connection and at this point I desire to offer the amendments I send to the desk which have been sent here by the Department. The paper will show where the respective names of allottees ought to be inserted.

The VICE-PRESIDENT. The proposed amendments will be stated.

The SECRETARY. On page 62, line 10, after the word "them," it is proposed to insert the words "John Dupins, Sac and Fox of Iowa allottee;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: John Dupins, Sac and Fox of Iowa allottee, etc.

The amendment was agreed to.

The SECRETARY. Also on page 88, line 4, after the word "allottees," it is proposed to amend the amendment of the committee by inserting the words "Millie Neff, Sac and Fox allottee;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: Reuben Cabana, Lewis Dick, Margaret La Flesche Diddock, Henry Warner, Roy Owens D. Stabler, Ne ka ga he, or Noah La Flesche, Ta in ge na Cook, James B. Atkin, Omaha allottees; Millie Neff, Sac and Fox allottee, etc.

The amendment to the amendment was agreed to.

The SECRETARY. Also on page 113, line 18, after the word "allottee," it is proposed to amend the committee amendment by inserting the words "Minnie Plumb, Mississippi Sac allottee;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: Per mam su or Comanche Jack, Comanche allottee No. 2025, Mary McCoy, Sac and Fox allottee, Isaac McCoy, Ottawa allottee, Minnie Plumb, Mississippi Sac allottee, etc.

The amendment to the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 91, after line 14, to insert:

That John Oldman, Santee Sioux allottee Nos. 162 and 163, to whom a patent has been issued containing restrictions on alienation, may sell and convey his allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser the same as if a final patent without restrictions had been issued to the allottee.

The amendment was agreed to.

The next amendment was, under the subhead "Carson School," on page 92, after line 21, to insert:

That in addition to the allotment in severalty of lands in the Walker River Indian Reservation in the State of Nevada, and the selection and setting apart for the use in common of the Indians nonirrigable, grazing lands therein, as provided by the joint resolution of June 19, 1902 (32 Stat., p. 744), the Secretary of the Interior shall, before any of said lands are open to disposition under any public-land law, select and set apart for the use in common of the Indians of said reservation such tract or tracts of timber land therein at one or more places as will subserve the reasonable requirements of said Indians for fuel and improvements.

The amendment was agreed to.

The next amendment was, on page 93, after line 8, to insert:

For the purpose of purchasing from the State of Nevada lots 2, 3, and 4, section 13, township 47 north, range 38 east, Mount Diablo meridian (48.8 acres), for allotment to Pah Ute Indians in connection with adjoining public land, \$70, or as much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was continued to the end of line 2, on page 94.

Mr. CARTER. While the Senator from Massachusetts [Mr. LODGE] is present I desire to recur to the amendment, on page 39, concerning which I made a brief statement the other day of possible conditions which the amendment is intended to meet. On the day following that brief discussion I was called upon by Mr. Hemphill, formerly a member of the House, and at present a practicing lawyer in this city, who advised me that the conditions outlined briefly were substantially the actual conditions this amendment was intended to meet and cover.

It will be observed that the amendment directs the Court of Claims to determine the reasonable value of certain services rendered to the Indians named in the amendment. Mr. Hemphill advised me that contracts were made in the year 1902 between the Indians and a firm of lawyers in the city of Cincinnati, Pogue & Pogue. By the terms of the contracts referred to each Indian—and there were a great many of them; hundreds, possibly thousands—was to pay \$5, and likewise the tribe was

to pay 25 per cent upon the aggregate amount involved or saved in the course of the proceeding.

It became obvious that the fee thus provided for would in the aggregate be very exorbitant and unusual, and to avoid controversy in connection with the matter and to secure what seemed to be a just and equitable fee in lieu of that specified in the contract this proposed reference to the Court of Claims was devised as a means of reaching a fair estimate of the value of the services rendered. Should this amendment not be adopted, as I understand from Mr. Hemphill's statement, the provisions of the contract will apply, and the fee under the contract will reach very large proportions.

It seems to me under such circumstances the amendment is intended to protect the Indians against a contract improvident in its terms as to them and inconsiderately executed at the time of its execution. In this view the amendment seems to be a meritorious one, and I believe the judgment of the Court of Claims will probably be for a less amount than the contract calls for.

Mr. LODGE. I do not recall that I opposed the amendment. If I did—

Mr. CARTER. I understood a point of order was opposed to the amendment.

Mr. LODGE. The amendment on page 39?

Mr. CARTER. On page 39, authorizing and empowering the Court of Claims—

Mr. LODGE. No.

The VICE-PRESIDENT. The Chair will say to the Senator from Montana that no point of order seems to have been recorded against the amendment.

Mr. LODGE. I do not recall making any opposition to those amendments.

The VICE-PRESIDENT. The amendment was passed over.

Mr. CARTER. It was passed over?

The VICE-PRESIDENT. Yes.

Mr. CARTER. As I understood, the Senator from Minnesota [Mr. CLAPP] at the time desired that the point of order be withheld.

Mr. LODGE. I made a point of order on a later amendment; that in regard to certain Cherokee allottees. I do not think I made any point of order on this amendment. I do not recall it.

Mr. CARTER. This is the matter to which my attention was directed.

Mr. LODGE. I have no objection to this amendment, and I do not recall making a point of order against it.

Mr. CLAPP. To the amendment on what page does the Senator from Montana refer?

Mr. LODGE. The amendment on pages 39 and 40 is the one the Senator from Montana was speaking about. I do not recall making any objection to the amendment. I have none, and I do not remember making any point of order.

Mr. CLAPP. I understood the Senator from Massachusetts to object and to make the point of order, and the amendment was passed over, although the question I asked to be heard on—

Mr. LODGE. I raised the point of order on a later amendment. The request that it be passed over must have been made by some other Senator.

Mr. CARTER. I presume, then, there is no objection to the amendment.

Mr. LODGE. So far as I am concerned there is not. I do not know whether any other Senator made the point.

The VICE-PRESIDENT. Is there objection to the amendment at the end of page 39? The Chair hears none; and without objection, it is agreed to.

Mr. McCUMBER. While we are on this portion of the bill, I wish to present an amendment to be inserted on page 41, after line 22.

The VICE-PRESIDENT. The Senator from North Dakota proposes an amendment, which will be stated.

The SECRETARY. After the committee amendment already adopted on page 41, after line 22, it is proposed to insert:

Every full-blood Cherokee, Creek, Seminole, Choctaw, or Chickasaw, who heretofore has been or hereafter shall be identified as such by the Commission or Commissioner, shall be allotted by the Commissioner to the Five Civilized Tribes, prior to the final closing of the citizenship rolls by the Secretary of the Interior, and no personal neglect on the part of such full-blood Indian to apply for allotment or to make the proof necessary to the enrollment or allotment of such Indian shall prevent the said allotment.

Mr. CLAPP. There is no objection to the amendment to the amendment.

The VICE-PRESIDENT. The Chair will regard the amendment of the committee as open to amendment; the amendment proposed by the Senator from North Dakota to the amendment, without objection, is agreed to; and the amendment as amended is agreed to.

Mr. CLAPP. In this connection I desire to offer an amendment. It is possible the one just offered covers the point. If it does, we can fix it in conference.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The SECRETARY. After the amendment just adopted, after line 22, on page 41, it is proposed to insert the following:

No distinction shall be made in the enrollment of full-blood Mississippi Choctaws who have been identified by the United States Commission to the Five Civilized Tribes, and who have removed to the Indian Territory prior to the closing of the rolls by the Secretary of the Interior, and who shall have furnished proof thereof, but such Choctaws shall be treated in all respects as other Choctaw Indians resident in the Choctaw Nation.

The VICE-PRESIDENT. The Chair will regard the amendment just adopted as still open to amendment; the amendment proposed by the Senator from Minnesota to it is agreed to, in the absence of objection; and the amendment as amended is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 94, after line 19, to insert:

That the sum of \$20,000, or so much thereof as may be necessary, shall be appropriated, out of any money in the Treasury not otherwise appropriated, to construct an additional building to the Indian school at Santa Fe, N. Mex., the building to be used for the purposes of a dining room.

The amendment was agreed to.

The next amendment was, on page 97, after line 11, to insert:

WAHPETON INDIAN SCHOOL.

For the support and education of 100 Indian pupils at the Indian school at Wahpeton, N. Dak., \$16,700.

For pay of superintendent of said school, \$1,500.

For minor improvements, \$5,000.

For purchasing live stock and equipment of building, \$6,000, or so much thereof as may be necessary.

In all, \$29,200.

The amendment was agreed to.

The next amendment was, on page 98, after line 10, to insert:

That a part of the land reserved by General Orders, No. 17, of the War Department, dated August 28, 1876, for military purposes, but now abandoned, and subject to disposal under the act of Congress approved July 5, 1884 (23 Stat. L., p. 103), to wit: Part of sections 30 and 31, township 153 north, range 65 west, and part of sections 25, 26, 27, 35, and 36, in township 153 north, range 66 west (known as "Grahams Island"), in the State of North Dakota, be, and the same is hereby, restored to the public domain and declared to be public lands of the United States: *Provided*, That the lands so restored shall, in the discretion of the Secretary of the Interior, be held for a period of twelve months, subject to allotments to the Turtle Mountain band of Chippewa Indians, in accordance with the provisions of the amended agreement with said band approved April 21, 1904 (33 Stat. L., p. 194).

The amendment was agreed to.

The next amendment was, on page 99, after line 12, to insert:

That until otherwise provided by law, all water for the use of the Indian school located at Bismarck, N. Dak., shall be furnished by the Bismarck Water Company at such price as may be agreed upon between said company and the Secretary of the Interior, not exceeding 30 cents per thousand gallons. And there is hereby appropriated for the purchase of such water, for the year ending June 30, 1907, the sum of \$400, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 99, after line 21, to insert:

That Michael Okinyanwastena, Devils Lake allottee No. 207; Johnnie Helkoyagmani, Devils Lake allottee No. 209, and Wascuka, Devils Lake allottee No. 526, to whom trust patents have been issued containing restriction on alienation, may sell and convey all or part of their allotments under such rules and regulations as the Secretary of the Interior may prescribe, and any conveyances made hereunder shall be subject to his approval and when so approved shall convey full title to the purchasers the same as if a final patent without restrictions had been issued to the respective allottees.

The amendment was agreed to.

The next amendment was, on page 101, line 19, before the word "dollars," to insert "five hundred;" so as to make the clause read:

For support and civilization of the Kansas Indians, Oklahoma Territory, including agricultural assistance and pay of employees, \$1,500.

The amendment was agreed to.

The next amendment was, on page 103, after line 13, to insert:

KICKAPOOS.

That the Secretary of the Interior be, and he hereby is, directed to immediately cause to be paid to those Kicking Mexican Kickapoo allottees who, under the act of Congress of March 3, 1893, elected to leave in the Treasury their share of the fund provided for in Article V of said act, the sum of money to their credit, together with interest thereon, as provided by said act, and as also provided by the act of June 10, 1896; the shares of minors to be paid to the parents or next of kin having the care and custody of said minors, the shares of deceased persons to be paid to their heirs; all of said payments to be made upon claim through the Border National Bank, of Eagle Pass, Tex.; and for the purpose of carrying this provision into effect there is hereby appropriated the sum of \$40,000, or so much thereof as may be necessary, out of any funds in the Treasury of the United States not otherwise appropriated, the same to be immediately available.

Mr. LODGE. Reserving the point of order, which clearly lies against this amendment, I wish to offer an amendment to the amendment. I move to strike out, on page 104, lines 1 and 2, the words "all of said payments to be made upon claim through the Border National Bank, of Eagle Pass, Tex."

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment to the amendment, which will be stated.

The SECRETARY. After the word "heirs," in line 1, page 104, it is proposed to strike out the following:

All of said payments to be made upon claim through the Border National Bank, of Eagle Pass, Tex.

Mr. TELLER. I should like to know why the Senator from Massachusetts desires to strike out those words.

Mr. LODGE. For the following reasons, which were furnished me by the Interior Department, and which seem to me very sound reasons: This paragraph directs that all these payments shall be made through a certain bank, the Border National Bank, of Eagle Pass. Thus those Indians who are in Oklahoma must send their claims to the Border National Bank before they can be paid. Whether, as is suggested by the Department, this is—

intended as an inducement to get those who desire to stay on their lands in Oklahoma to go to Mexico, or else suffer a great inconvenience in getting the money that the paragraph carries, it should not be overlooked that the Border National Bank has been concerned in the payments heretofore made to these Indians in Mexico, and if the statements of responsible officers of the Department can be believed it has been a party to a most outrageous course of procedure. When these payments were made, the Indians, through their conservator, were brought to this bank, where the checks were cashed and the Indians given the number of dollars called for in Mexican money—

That is, they were United States checks, and the bank paid the Kickapoos living in Mexico in Mexican dollars. They were entitled to United States money, of course, which they could take over the border and get twice as much for as they could for a Mexican dollar—

Thus they received approximately half the value of their checks. Moreover, the cashier of this bank is the party before whom the discredited deeds taken by Martin J. Bentley for the allotments of seven Kickapoos near Shawnee were executed. The evidence connects him as a party with the entire transaction, and this Office has recommended his prosecution, because it believes that the acts he did in these cases were criminal.

Those are my reasons for objecting to it, and I think they are good reasons. I think the Department can be trusted to select a bank.

Mr. TELLER. This bank was selected at the request of the Indians, because they have been in the habit of doing their business through that bank, and because the bank officers speak Spanish. There is not a particle of evidence worthy of any consideration that in the slightest degree reflects upon any man connected with that bank. We brought before the committee men of as high character as anybody connected with the Indian Office—a Member of Congress from Texas and other gentlemen living in the neighborhood—who testified to the high character of all these gentlemen; and there is not any foundation for that statement, whether it comes from the Secretary or the Commissioner or anybody else.

These Indians, with the exception of a few, have left the United States. They have gone into Mexico, and intend to remain there. A decided effort has been made by the Department to prevent them from going there to live as they want to live. The committee, after a careful examination and, as they supposed, with the approval of the Commissioner of Indian Affairs—at least I so understood, and I think other members of the committee did—finally agreed that this payment should be made in this way.

Mr. LODGE. I understand the Department is very anxious to have these Mexican Indians eliminated entirely from the bill, paid off and disposed of. The fact that they live in Mexico does not seem to be any good reason why they should not get the face value of their checks.

Mr. TELLER. There is no danger that they will not get the proper value of their checks.

Mr. LODGE. Mr. President—

Mr. TELLER. Wait a moment.

Mr. LODGE. Certainly. I thought the Senator was through.

Mr. TELLER. The Department is deprived of no privilege or right whatever as to the payment of this money. They are allowed to pay it simply through that bank.

Mr. LODGE. They are compelled to pay it through that bank.

Mr. TELLER. Well, they are compelled to pay it through that bank.

Mr. LODGE. There are other banks in Eagle Pass. It is very unusual in passing laws here to pick out a bank and say—

Mr. TELLER. I do not know whether there is any other bank in Eagle Pass.

Mr. LODGE. The Department says there are other banks. It can easily be determined.

Mr. TELLER. If the Department object to that bank, they should have objected to it before the committee. They did not object.

Mr. LODGE. Whether the Department objects or not, I object to selecting one bank and saying that that bank shall have the Government business in that town. My liberty of objection is not taken away from me because—

Mr. TELLER. This is a matter—

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. TELLER. I do.

Mr. McCUMBER. I wish to ask the Senator from Colorado whether it is not a fact that the Commissioner of Indian Affairs was before the committee upon this subject, and whether he gave any evidence whatever relative to these Indians heretofore not having been paid the full sum called for by their checks?

Mr. TELLER. There was no evidence of that kind offered by anybody, as I understand.

Mr. McCUMBER. And yet I understand that the Commissioner was brought before the committee, and did testify before the committee, in order that we might learn of any objections he had or the Department might have to the removal of these Indians or the payment of these Indians or their treatment by Mr. Bentley. I heard no evidence of that character.

Mr. TELLER. The statement made by the Senator from North Dakota is absolutely correct.

For one, I do not hesitate to say here and now that I was not pleased with the conduct of the Commissioner. He had some objection to Mr. Bentley, and undoubtedly he had some prejudice against Mr. Bentley, and he had every opportunity to present any grievance that he had against Mr. Bentley. He did not present it. Through some agent there was an attack made upon Mr. Bentley, that Mr. Bentley's character was sustained beyond a question before the committee.

I say again there is no evidence on which to found that statement. There was none before the committee; and if there was such evidence, the Commissioner was very derelict if he did not bring it before us.

Mr. LODGE. I do not want to delay the bill. I make the point of order that this involves an appropriation from the Treasury of the United States and is not estimated for, and that it is general legislation, also.

Mr. TELLER. There is nothing in the point of order. This is money belonging to the Indians.

Mr. LODGE. I think the Senator will find there is something in it before he gets through.

Mr. TELLER. This is money belonging to the Indians. It is private money. It does not belong to the tribe; it belongs to the Indians. It is their lease money we are talking about now—money that was put into the Treasury when Senator Pettigrew was chairman of the committee.

Mr. LODGE. It certainly is a very unusual thing to describe it as "any funds in the Treasury of the United States not otherwise appropriated."

Mr. TELLER. Oh, well, of course it is the appropriation of money, but it is the Indians' money—money standing to their credit.

Mr. LODGE. It is not so described here.

Mr. TELLER. It is just as we always make these appropriations; precisely.

Mr. LODGE. That does not affect the point of order that it is not estimated for.

Mr. CLAPP. I call the attention of the Senator from Massachusetts to the recital of the bill itself.

Mr. LODGE. Yes; I see.

Mr. CLAPP. The Indians elected to leave this money in the Treasury, and this provides for paying it over to them.

That the Secretary of the Interior be, and he hereby is, directed to immediately cause to be paid to those Kicking Mexican Kickapoo allottees, who, under the act of Congress of March 3, 1893, elected to leave in the Treasury their share of the fund provided for in Article V of said act—

Mr. LODGE. Yes; I see that. The amendment is open to the point of order that it is general legislation.

Mr. GALLINGER. I should like to ask the Senator a question. If these Indians are paid this money, it will be paid to them in checks of the United States. Those checks are good in Mexico as well as in Eagle Pass, Tex., are they not?

Mr. CLAPP. The reason for designating that the payment should be made at Eagle Pass, as I remember it, is this: Those Indians are in Mexico. I think there was a serious complaint that they should not be compelled to come up to Oklahoma.

Mr. LODGE. The Oklahoma Indians are in Oklahoma.

Mr. CLAPP. There are very few of them.

Mr. LODGE. They will have to go to Eagle Pass.

Mr. CLAPP. They are on their way; and it certainly would be a convenience to pay them down there somewhere.

Mr. LODGE. Why should this one bank be selected, and why should it be provided by law that the Indians shall be paid through this one bank? It is most unusual legislation.

Mr. TELLER. I will tell the Senator why.

Mr. LODGE. Why not say "any bank?" What is the objection to saying "any bank in Eagle Pass?"

Mr. TELLER. I do not know whether there is another bank there.

Mr. LODGE. We can easily ascertain. I will soon find that out.

Mr. TELLER. This is the bank through which the Indians have been paid before.

Mr. LODGE. I will soon inform the Senator on that point.

Mr. CLAPP. I will state why this particular bank was selected. The committee having this matter in charge spent several days on it. One of the questions involved was with respect to this bank, and during the progress of the examination it developed that this is a bank which is managed by men of high character and standing, and we knew of no other bank there.

Mr. LODGE. Against one of whom the Department recommended prosecution.

Mr. TELLER. Without the slightest evidence on the face of the earth.

Mr. LODGE. Mr. President, I do not know anything about it. I have not studied the case.

Mr. TELLER. We have.

Mr. LODGE. But I know perfectly well that a prosecution has been recommended.

Mr. TELLER. That is all there has been. There has been no attempt to prosecute anybody. There was no offense whatever.

Mr. LODGE. But why select a bank against which a criminal prosecution has been recommended and not allow any other bank in the same town to do the business?

Mr. TELLER. There was no objection made to it by the Commissioner.

Mr. LODGE. I meant a prosecution against Bentley, an officer of the bank. I did not mean against the bank; I meant against the cashier. I want to be exact.

Mr. TELLER. The Commissioner was before the committee, I think, practically every day for two weeks, and, at least so far as I am concerned, we never heard any objection to paying it through this bank. If he made any, I never heard of it.

Mr. LODGE. The Commissioner further says:

If it is decided that these Indians must be paid at Eagle Pass, why should this bank be designated when it is a fact that there are other banks in that city which have refused to countenance the practices usually prevailing when the Indians were paid in that city?

They make the distinct charge that those Indians were paid in Mexican dollars on the United States Treasury.

Mr. TELLER. There is not any evidence of it, and it is not true, either.

Mr. LODGE. He says the evidence is the reports of the officers of the Department. I know nothing more than that. Of course it is easy to say that there is no evidence.

Mr. CLAPP. Mr. President, I should like to say a word about this matter.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. TELLER. Certainly.

Mr. CLAPP. When this matter came up I was greatly prejudiced against Mr. Bentley. It was on the ex parte statements that had been made to us. We spent days on this matter. We had the Commissioner with us days there. When we got through, while it may not be of any value to anybody else, I became satisfied that this man Bentley was acting in the utmost good faith with these Indians. There never was a suggestion before the committee that the Indians had been paid in any improper manner or that they had been paid in Mexican money, nor was there the slightest objection made to making this bank the agency through which the payments should be made.

The bank happened to be selected because in the course of the investigation we had occasion to make inquiry about this bank, and found that the men in charge of it were men of high character, and we naturally selected them. There was no other reason for mentioning this bank any more than any other bank. But the charge now as to misconduct on the part of this bank is rather a singular procedure in view of the long time spent in this investigation, and the Department being represented so much before the committee in the investigation.

Mr. LODGE. There are two banks there—the Border National Bank and the First National Bank. The First National Bank is the older bank of the two, with larger deposits, larger capital, and so on. It seems to me that it is unusual to select one bank where there are two, and to say it must be paid through that bank.

Mr. DUBOIS. Mr. President, it is not unusual, I think, if the Senator will recall that they are doing the business in this bank.

Mr. LODGE. I mean it is unusual to do it by the law. Of course the Treasury and other Departments have to make payments to a bank and they select the bank, but here Congress comes in and says it shall be paid through a particular bank, to which the Department objects.

Mr. DUBOIS. Of course this does not exactly answer what the Senator is saying, but there has been a good deal of trouble regarding the payments to the Kickapoo Indians. There are in the Treasury about \$33,000 which belong to them individually. Other Indians of the same band have been paid their individual money, amounting to two or three hundred dollars apiece. These Indians did not want to take the money individually. They refused to take it out of the Treasury. It was appropriated to them, but they wanted to buy land with it. The Departments have caused them no end of trouble. Sometimes they make them go away back to Oklahoma from this place to get their money. These men can draw this money at any time they want, but they have not drawn it for the reason stated. For convenience, in order to acquire the land in Mexico where they desire to reside, and on which they have an option, there was no apparent reason why the committee should not indicate that they should do their business through this bank there. They are certainly entitled to this money per capita and to have it paid to them in any way that they select, it seems to me.

The committee wants to get rid of them and let them go to Mexico and stay there, and they want to get rid of the United States.

Mr. LODGE. So does the Department. The Commissioner says he is anxious above all things to have these Indians eliminated and get them out of the bill and out of the law, and get them into Mexico.

Mr. TELLER. He has done all he could to keep them from going; that is certain.

Mr. LODGE. I do not see how it keeps these Indians from going or gets rid of them by prescribing that their money shall be paid at a particular bank. It seems to me that if you paid them the money they would find ways to cash it. It is not very difficult to cash a check.

Mr. DUBOIS. It is very difficult for them to cash a check where they are; there is not enough money around in that immediate vicinity. This is 109 miles, I understand, from where they are located in Mexico, and Eagle Pass is the nearest point, I think, where they can have checks cashed.

Mr. LODGE. There are two banks there. A national bank is very ready always to cash a Government draft.

Mr. DUBOIS. But a check for them, where they live, is rather an inconvenient piece of property.

Mr. LODGE. Provide that they shall be paid at Eagle Pass, if that is thought best, but why specify the bank?

Mr. McCUMBER. I wish to say, Mr. President, that there can be no question, so far as the evidence establishes the fact, that the Department and the Indian agent where these Indians were located, sought by almost every possible means to keep them in the United States and prevent them from going over to Mexico. One of the means that was adopted was not to pay them any of the lease money which belonged to them unless they came all the way from Mexico to Oklahoma to get their pay. They could not get it at any place on the border. That was established by evidence satisfactory, I think, to every member of the Committee on Indian Affairs.

In the very best of faith, as has been suggested by the chairman, after having investigated the matter of the character of the owners of this bank, or those who are in the corporation, that name was inserted. But inasmuch as the Commissioner seems to have raised the question, and as the only object of the committee was to see that the payments were made at some convenient place for the Indians, I suggest to strike out the words "the Border National Bank" and insert in lieu thereof "some bank in Eagle Pass, Tex., to be selected by the Secretary of the Interior."

Mr. LODGE. That suits me perfectly well. I withdraw my amendment.

The VICE-PRESIDENT. The Senator from Massachusetts withdraws his point of order.

Mr. LODGE. No; not the point of order. I withdraw my amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts to the amendment is withdrawn.

Mr. GALLINGER. I suggest to the Senator from North Dakota that it should read "the First National Bank, or the Border National Bank, of Eagle Pass, Tex.," there being those two banks at Eagle Pass.

Mr. McCUMBER. Are there only two banks there?

Mr. TELLER. Is that satisfactory?

Mr. McCUMBER. I understood that there were other banks there.

Mr. LODGE. There are only two—the Border and the First National.

Mr. McCUMBER. That would be entirely satisfactory.

Mr. TELLER. Are both national banks?

Mr. LODGE. Both are national banks; the First National Bank is the oldest and largest.

Mr. GALLINGER. Let it be done through either the First National Bank or the Border National Bank.

The SECRETARY. Amend the amendment on page 104, line 2. Before the word "Border" insert the words "First National Bank or the."

Mr. TELLER. Now, if that is satisfactory to the Senator who has this bill in charge—I do not refer to the Senator from Massachusetts.

Mr. CLAPP. I have no objection.

Mr. LODGE. I have not this bill in charge.

Mr. TELLER. I know that.

Mr. LODGE. But the Senator from Colorado seems to think that I am not entitled to discuss this bill.

Mr. TELLER. Oh, no.

Mr. LODGE. I am entitled to discuss this bill or any other bill.

Mr. TELLER. I thought you might think I was referring to you. I said I was referring to the Senator from Minnesota [Mr. CLAPP].

Mr. CLAPP. Inasmuch as the evidence before the Senate would seem to indicate that perhaps the First National Bank is the better of the two there is no objection to the amendment to the amendment.

Mr. TELLER. I do not object to it.

The amendment to the amendment was agreed to.

Mr. TELLER. There is an amendment or two that I desire to make here.

The VICE-PRESIDENT. Does the Senator from Massachusetts insist upon his point of order?

Mr. LODGE. No; I do not make the point of order, Mr. President.

Mr. TELLER. I understood the Senator to say that he was satisfied with that change.

Mr. LODGE. I am satisfied with that change and that clause. There should be a change in the next clause. I want to suggest a change there.

The VICE-PRESIDENT. Does the Senator from Colorado propose an amendment to the amendment before the Senate? The question is on the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 104, after line 7, to insert:

All restrictions as to sale and incumbrance of all lands, inherited and otherwise, of all adult Kickapoo Indians, and of all Shawnee, Delaware, Caddo, and Wichita Indians affiliating with said Kickapoo Indians non-resident in the United States, who have been allotted land in Oklahoma are hereby removed: *Provided*, That any such Indian allottee in Oklahoma who is a nonresident of the United States may lease his allotment without restriction for a period not exceeding five years: *Provided further*, That the parent or the person next of kin having the care and custody of a minor allottee may lease the allotment of said minor as herein provided, except that no such lease shall extend beyond the minority of said allottee.

Mr. TELLER. On page 104, line 11, after the words "Kickapoo Indians" and before the word "nonresidents," I move to insert "now or hereafter."

Mr. CLAPP. The Senator from Mississippi [Mr. MONEY] has a very short amendment, and we may have some discussion on the pending amendment. I ask that it may be acted on now.

Mr. MONEY. I send up an amendment that I ask to have adopted.

The VICE-PRESIDENT. Is it an amendment to the amendment just under consideration?

Mr. MONEY. It is an amendment to a paragraph already passed.

Mr. CLAPP. It is an amendment on page 41.

The SECRETARY. On page 41 it is proposed to amend, in line 14, by inserting, after the words "Nancy Bigknife," the words "Alice Owen and her children."

Mr. CLAPP. There is no objection to that amendment.

The VICE-PRESIDENT. Without objection, the amendment of the committee will be regarded as open to amendment, and the amendment proposed by the Senator from Mississippi agreed to. The amendment as amended is agreed to without objection.

Mr. TELLER. On line 11, page 104, after the word "Indians," I move to insert the words "now or hereafter."

Mr. CLAPP. I have no objection to that amendment to the committee amendment.

The amendment to the amendment was agreed to.

Mr. LODGE. I should like to ask the Senator in charge of the bill why is it not just as well to strike out those provisos? The Department wants to get rid of these Indians, and all the Senators on the committee have said it is desirable to get rid of the Indians. Why is it well to hold them on by these leases? Why not leave it absolutely free and strike out those provisos?

Mr. CLAPP. I do not think the committee would have any objection to striking them out. I think they were put in there rather as a suggestion.

The VICE-PRESIDENT. Does the Senator from Massachusetts move to strike out the provisos?

Mr. LODGE. Yes; I move to strike out the two provisos.

The VICE-PRESIDENT. The amendment of the Senator from Massachusetts will be stated.

The SECRETARY. After the word "removed," in line 13, page 104, strike out the colon and insert a period, and strike out the remainder of the paragraph.

Mr. McCUMBER. Mr. President, I shall have to object to that amendment to the amendment for reasons that appear plain to me. A number of these Indians are going over to Mexico. We do not always know exactly what influence is being brought to bear upon them in order to gain their consent to change their domicile. It is not always easy to ascertain whether or not an absence of a month or two months or six months or even a year amounts to a change of residence. No time is given, and it seems to me that it will be better to allow this restriction to remain until we become certain that the Indian has changed his residence. I greatly fear that the mere absence of an Indian will be taken as a basis for some designing person who wants his land to secure a deed. I hope the provisos will remain in the bill until we can give it further consideration.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. Certainly.

Mr. TELLER. I believe it would be better to leave it in anyway until the conference committee can deal with it and see whether we should take it out or not.

Mr. LODGE. Along the line which the Senator from North Dakota is speaking, there is no provision here for the issuance of patents in fee simple, and the point is made in a note I got from the Department.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. NELSON. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. LODGE. Then they would fall into the hands of the very adventurers and speculators the Senator from North Dakota was speaking about, because they would be the only ones who would know the right Indian, and other people would feel that it would be impossible to get the right or proper title. The Commissioner says:

So, practically, only parties to the scheme would be able to procure a deed from the right Indian.

It seems to me something would be needed to protect them further.

Mr. McCUMBER. My position simply was that by putting in an amendment now we are hurrying matters and may be doing something we would wish we had not acted quite so hastily upon. It seems to me we ought to know certainly that the Indian is a nonresident, and if left in this condition for a year or two the Department may have evidence sufficient to justify it in holding that the party is a nonresident.

Mr. KEAN. Would it not be better to leave out the whole paragraph?

Mr. McCUMBER. No; I think not.

Mr. CLAPP. In regard to this matter of patent, I have had it brought up here two or three times in this bill where we remove restrictions. There is no objection to it, nor is there any earthly use in it. These Indians have already a deed called

the "trust deed." We convert that into a patent by removing the restriction, and it is purely surplusage to provide for an additional patent when we remove all the restrictions that are contained in the existing instrument. There is no objection to putting it in if anybody desires it.

Mr. LODGE. I withdraw the motion to strike out those provisos.

The VICE-PRESIDENT. The Senator from Massachusetts withdraws his motion, and the question is on the amendment as amended.

Mr. TELLER. I move to insert after the word "Oklahoma," in line 12, the words "or Indian Territory." These people are mixed, some being in one place and others in another.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 104, line 12, after the word "Oklahoma," insert the words "or Indian Territory."

Mr. CLAPP. There is no objection to that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 104, after line 20, to insert:

That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$215,239, the same being the difference between the 32½ cents per acre to the Kickapoo tribe of Indians and the amount obtained by the United States for said lands: *Provided*, That there shall first be a roll of said Kickapoo tribe of Indians, embracing all persons who are members of said tribe by blood and who may be living on the 1st day of May, 1906, whether residing in the United States or not, made under the supervision of the Commissioner of Indian Affairs. And the said sum of money hereby appropriated shall then be immediately distributed per capita to the members of the said Kickapoo tribe so enrolled and be paid to the said members of said tribe, either through an agent appointed by said Commissioner, or, if so designated by him, the American consul whose office may be most accessible to the members of said tribe not residing in the United States. The shares of minors shall be paid to the parent or next of kin having the care and custody of said minor. And the receipt, the form of which to be prescribed by the Commissioner of Indian Affairs, by such parent or custodian for such minors, and the receipt of such members of said tribe shall be deemed to be a receipt in full for all demands of every kind whatever of such persons against the United States, and shall be considered and deemed a final settlement of all claims of said Indians against the United States. And thereupon such Indians and their descendants who have permanently left or who may hereafter permanently remove from the United States shall thenceforth be no longer wards of the Government and shall not be recognized by any department thereof as being entitled to any benefits as Indians. Should any member of said tribe die between the said 1st day of May, 1906, and the time of payment, his such share shall be paid to the lawful heirs of such claimant upon satisfactory proof being made to the Commissioner of Indian Affairs.

The VICE-PRESIDENT. Is there objection to the amendment?

Mr. KEAN. I certainly object to agreeing to this amendment.

The VICE-PRESIDENT. The amendment is open to consideration.

Mr. KEAN. I make the point of order, in the first place, that it is general legislation. In the next place, I want to call the attention of the Senate to the fact that this is a claim that has been paid by the Government of the United States, as I am informed, about three times. I have here what the Commissioner says and what he recommends in his letter dated April 5, 1905, to the chairman of the Senate Committee on Indian Affairs, in which he opposes the payment of the money over again.

Mr. GALLINGER. Read it.

Mr. KEAN. I will read it:

This paragraph has been before the office several times, former Commissioners Browning and Jones both reporting adversely on bills of this character on the ground that the Indians have been paid everything that they were entitled to receive and that they had no title to the lands for which it is now proposed to pay them the second time, and that this would be the third time the Government has paid for the land, as it bought said land in the first place from the Creeks for 30 cents an acre. Each Commissioner took the ground that it was not the proper thing to do; but if Congress sought to deal thus liberally with these particular Indians they did not feel called upon to interpose any very serious objection. In a letter to the chairman of the Senate committee, dated April 5, 1906, I took a similar position. It should be added that probably there are few Indian tribes whose lands have been opened to settlement that could not present a better claim for additional payment. I believe that one of the grounds upon which it is urged that equity demands that they be paid the second time is that they were deceived and a fraud was perpetrated in the preparation of the agreement. It would be interesting to know the effect such a precedent as this would have on a claim submitted by the Kiowa, Comanche, and Apache Indians, because their agreement was changed without their consent by Congress. There are other similar cases.

I trust the amendment will not be agreed to.

Mr. CLAPP. Does the Senator make a point of order against the amendment?

Mr. KEAN. I make the point of order that it is general legislation.

Mr. CLAPP. I think perhaps in this case that point is well taken.

Mr. TELLER. The amendment may be amenable to a point of order. The chairman of the committee seems to think it is. The Government of the United States bought this land from these people, who had the title, and sold it. The Supreme Court of the United States declared in a similar case that the Government must respond as trustee to the Indians for the full amount it received for the land. Ordinary rules of law would always require the trustee to do that. The law does not allow the trustee to make any money out of the ward's property, and that is all there is in this claim.

Mr. CLAPP. Will the Senator allow me a moment?

Mr. TELLER. Certainly.

Mr. CLAPP. Is not this a case where the evidence showed that a man came up here with one Indian and negotiated a treaty and got \$5,000 for negotiating it, and the money was paid him by the Government?

Mr. TELLER. That is exactly what did happen in this case. It was a most scandalous affair under any phase of it. Only one man came here who was really an Indian, and a man who was representing the Indians, and he was paid \$5,000 for securing this treaty.

But independent of that, Mr. President, the Government of the United States was dealing with its wards. It took its title from its wards and then sold the land for a different sum from what it responded to these Indians. The Supreme Court of the United States, in a case some years ago, entitled, as I recollect, "The New York Indians," settled that question. I need not say to lawyers here that it is the rule that a trustee is never allowed to make any money out of the property of his ward. He is not allowed to deal with them in that way.

It was thought best to close up this entire affair. I do not know what the Senator from New Jersey reads from, whether it is something from the Interior Department or where.

Mr. KEAN. It is from the Commissioner of Indian Affairs.

Mr. TELLER. The Commissioner of Indian Affairs was before the committee, and I understood him to say that he thought it was a just and proper claim against the Government. He seems to have had one opinion at one time and another opinion at another time. I think if there was any way by which he could deprive these Indians of getting what belongs to them he would be pretty industrious in that direction.

Mr. KEAN. Mr. President, I insist on the point of order.

The VICE-PRESIDENT. Does the Senator from Minnesota withdraw the amendment?

Mr. CLAPP. Well, I am inclined to think the point of order is well taken.

The VICE-PRESIDENT. The Chair sustains the point of order.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the subhead of "Sacs and Foxes of the Mississippi (treaty)," on page 108, after line 4, to insert:

That the claim made by holders of Kaw or Kansas interest-bearing scrip certificates, filed in the Department of the Interior on or before the 1st day of March, 1890, that they be paid from the Treasury of the United States a balance found due upon computing interest at 6 per cent, as promised on the face of said certificates, be, and the same is hereby, referred to the Court of Claims, to determine whether, in the opinion of said court, their claim should be allowed. The Government shall be represented by the Attorney-General.

The court shall inquire into the circumstances of the issuance of said scrip certificates, the sale of lands, the application of the proceeds thereof, and the several acts of Congress appropriating money to liquidate the amount due on said scrip certificates. The court may take into account the relation of the United States to said lands in the nature of a trustee, and determine, upon principles of fair and equitable dealing, whether any obligation may properly rest upon the United States to pay to the bona fide holder of said scrip certificates interest according to the terms of their original issue, and report its findings to Congress: *Provided*, That one or more holders of said scrip certificates, or his or their duly authorized attorney, shall file a petition in said court as a test case or cases within six months after the approval of this act.

The amendment was agreed to.

The next amendment was, on page 109, after line 4, to insert:

That the boundary line between the Creek Nation, Indian Territory, and the Territory of Oklahoma, as surveyed by Frederick W. Bardwell in 1871, and reestablished by the Geological Survey in 1895 and 1896, is hereby declared to be the west boundary line of the Creek Nation.

The amendment was agreed to.

The next amendment was, on page 109, after line 11, to insert:

That the Secretary of the Interior shall cause to be appraised, at their cash value, all lands lost by said surveys by the Creek Nation, and payment therefor shall be made by him to the nation. Upon the relinquishment to the Creek Nation, and to the United States, of the lands within the boundary of the nation, as herein provided, improperly patented to homestead claimants in Oklahoma, and the surrender of the patents, the Secretary of the Interior is authorized and directed to have issued new patents for the portions of the homesteads in Oklahoma, and to pay to such claimants, after appraisement, the cash value of the land relinquished. The sum of \$30,000, or so much thereof as

may be necessary, is hereby appropriated, out of the moneys in the Treasury of the United States not otherwise appropriated, for carrying out the provisions hereof.

The amendment was agreed to.

The next amendment was, on page 110, after line 2, to insert:

The Secretary of the Interior is hereby authorized to examine the accounts of William R. Little, formerly a trader at the Sac and Fox Agency, and to pay to the said William R. Little or his heirs such sums as he may be satisfied are equitably due from Indian members of the said Sac and Fox tribe to the extent of any funds in his hands or to come into his hands and control belonging respectively to such Indians.

The amendment was agreed to.

The next amendment was, on page 112, after line 20, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to issue patents in fee, severally, to No wa hi, Darwin Hayes, Red Plume and Shoe, Cheyenne and Arapahoe Indians, for not to exceed 40 acres of the lands heretofore allotted to them, respectively, in the Territory of Oklahoma, and the issuance of said patents shall operate as the removal of all restrictions as to the sale, incumbrance, or taxation of said lands.

The amendment was agreed to.

The next amendment was, on page 113, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to issue patents in fee, severally, to Massie Chandler and Nannie Chandler, Kiowa, Comanche, and Apache Indian allottees, numbered, respectively, 209 and 210, for the lands heretofore allotted to them in the Territory of Oklahoma, and the issuance of said patents shall operate as the removal of all restrictions as to the sale, incumbrance, or taxation of said lands.

Mr. GALLINGER. I will ask the Senator in charge of the bill if he has any objection to having inserted in line 5, after the word "authorized," the words "in his discretion?"

Mr. CLAPP. Personally I have no objection, but the object of these provisions is to give these men their titles without their going to the expense and delay of applying to the Department. As that is the policy which is being pursued, there is no use of putting that amendment in.

The VICE-PRESIDENT. Does the Senator from New Hampshire move the amendment?

Mr. GALLINGER. I move that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 113, line 5, after the word "authorized," it is proposed to insert "in his discretion;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue patents, etc.

Mr. CLAPP. I will not object to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 113, line 16, after the word "them," to insert "Per mam su or Comanche Jack, Comanche allottee No. 2025, Mary McCoy, Sac and Fox allottee, Isaac McCoy, Ottawa allottee;" and in line 18, after the word "allottee," to strike out "Victoria Ezell (nee Bradley), Glen Bradley, Alexander B. Peltier, Lincoln Kennedy, John B. Bruno, Lucy A. Lourane, Zoe Rhodd, Nellie Finley, Eliza J. Neiswender, Davis Hardin, Daniel Chilson, Amanda Nadeau (nee Toupin), R. W. Dike, Doshia E. Phillips (nee Kennedy), Joseph Bertrand, Benjamin Bertrand, Dan. O'Brien, Philip Wickens, and William Frapp, Citizen Pottawatomie allottees No. 180, 182, 113, 1351, 121, 210, 104, 563, 17, 41, 702, 98, 738, 371, 140, 772, 774, 109, and 583, respectively; Albert M. Clardy, John B. Bergeron, Catherine (nee Bourbonnais) Peltier, and Anthony Bourbonnais, jr., Citizen Pottawatomie allottees in Oklahoma No. 1363, 37, and 34, respectively; Julia Lazelle and Phillip Wickens, Citizen Pottawatomie allottees No. 117 and 583, respectively; heir of Horace P. Jones, Kiowa allottee No. 2356;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: Per mam su or Comanche Jack, Comanche allottee No. 2025; Mary McCoy, Sac and Fox allottee; Isaac McCoy, Ottawa allottee; Minnie Plumb, Mississippi Sac allottee, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. CLAPP. At the request of the Department, I wish to offer an amendment to the amendment. On page 13, line 16, after the word "them," I move to insert: "Frank O. Jones, Sac and Fox allottee, No. 10."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. I will ask the Senator in charge of the bill if he has any objection to going back to page 112 and inserting, after the word "authorized," in line 22, the words "in his discretion?" I notice those words are in all the items which came from the other House relating to patents, and I think it is well enough for us to follow that form.

Mr. CLAPP. I will say, for the Senator's benefit, that I have no particular interest in the matter; but since this bill passed

the other House another bill has passed that body, and is now pending here, to give that discretion. The amendment put on in the Senate was adopted with a view of allowing allottees—

Mr. GALLINGER. This simply makes the bill uniform, and I will move that amendment, if the Senator has no objection to it.

Mr. CLAPP. I have no objection.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 112, line 22, after the word "authorized," it is proposed to amend the amendment heretofore made by inserting "in his discretion;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue patents in fee, severally, to No wa hi, Darwin Hayes, Red Plume and Shoe, Cheyenne and Arapahoe Indians, for not to exceed 40 acres of the lands heretofore allotted to them, etc.

The VICE-PRESIDENT. That amendment of the committee, which has heretofore been agreed to, will be considered as open to amendment, in the absence of objection. The question is on the amendment to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KEAN. I understand that on page 13, line 5, an amendment inserting those same words was agreed to.

Mr. CLAPP. Yes; that amendment was made.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 114, after line 20, to insert:

That jurisdiction is hereby conferred upon the Court of Claims to hear and determine the claim for services rendered by Clement N. Vann and William P. Adair, late of the Indian Territory, to the said Osage Nation of Indians, in defeating a treaty between the said nation and the United States, executed in 1868, commonly known as the "Drum Creek treaty," and certain proposed legislation injurious to the Osage Indians for the sale of their lands in Kansas, and in procuring the enactment of other legislation favorable to said Indians for the sale of said lands.

That a petition may be filed by the executor or administrator of the estates of said Adair and Vann, respectively, in said courts within forty days from the approval of this act against the Osage Nation of Indians, and service of said petition shall be had by delivering a copy thereof to the Secretary of the Interior and to the governor or principal chief of said nation, with a notice to answer within the time herein prescribed; and said answer shall be filed in said court within ninety days after the service of the petition.

The court may receive and consider all papers, depositions, records, and documents heretofore filed either in said court or the Executive Departments of the Government, together with any other evidence offered by either party to the case, and shall render a judgment or decree against the Osage Nation of Indians for such amount, if any, as the court shall find legally or equitably due for the services of said Adair and Vann, either upon contract or upon a quantum meruit, provided said court shall determine that a plea of quantum meruit may be interposed and considered, not exceeding \$180,000. The court shall enter judgment for the total amount found to be due, if any, and shall specify therein the amounts payable to any person or persons under any contract or assignment made since September 26, 1902, covering any portion of said claim. The amount necessary to pay said judgment is hereby appropriated out of the funds in the Treasury of the United States to the credit of said Osage Nation.

Said cause shall be advanced on the calendar of said court. The amount for which judgment may be rendered by the Court of Claims, when paid to the parties named in said judgment, shall be received in full and final settlement of the claim for said services of said Adair and Vann against said nation of Indians: *Provided*, That the Osage tribe be, and are hereby, authorized to employ counsel, with the consent of the Secretary of the Interior, to represent them in said cause.

Mr. KEAN. I will ask the Senator from Colorado [Mr. TELLER], who has examined this case very carefully, whether this is merely a proposition to refer this matter to the Court of Claims?

Mr. TELLER. That is all there is of it—referring it to the Court of Claims. The Indians have for several years past exerted their utmost endeavors to have this case disposed of, and this, I think, will effect a final disposition of it.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, at the top of page 117, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay to Lorenzo A. Bailey \$6,155.22, out of any money in the Treasury of the United States belonging to the Osage Nation or tribe of Indians, for his retainer fee and his contingent fee in the Watson Stewart case, under his contract with said nation bearing date February 29, 1904, and such further sum as the Court of Claims may hereafter determine to be a fair and reasonable fee to him under said contract.

The amendment was agreed to.

The next amendment was, on page 117, after line 10, to insert:

That the Indian appropriation act of March 3, 1901 (31 Stats., p. 1065), be amended so as to read as follows: "That it shall be unlawful hereafter for the traders upon the Osage Indian Reservation to give credit to any individual Indian, head of a family, to an amount greater than 75 per cent of the next quarterly annuity to which such Indian will be entitled."

The amendment was agreed to.

The next amendment was, under the head of "Oregon," on page 118, after line 3, to insert:

Whereas James McLaughlin, an Indian inspector for and on behalf of the Secretary of the Interior, under and by virtue of an act of Congress approved July 1, 1898 (30 U. S. Stat. Laws, p. 571), entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes," did, on the 17th day of June, 1901, make and conclude an agreement with the Klamath and Modoc tribes and Yahooskin band of Snake Indians, residing on the Klamath Indian Reservation, in the State of Oregon, which agreement is as follows:

This agreement, made and entered into on the 17th day of June, 1901, by and between James McLaughlin, United States Indian Inspector, on the part of the United States, and the Klamath and Modoc tribes and Yahooskin band of Snake Indians, belonging to the Klamath Indian Agency, in the State of Oregon, witnesseth:

ARTICLE I. The said Klamath and other Indians belonging to the Klamath Agency, Oreg., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Klamath Indian Reservation lying between the boundaries described in the treaty with said Indians concluded October 14, 1864, and proclaimed February 17, 1870, as confirmed by the Klamath boundary commission in their report to the Secretary of the Interior, dated December 18, 1896, and the reservation boundary lines as established by the survey approved in 1888 by the General Land Office, the tract of land hereby ceded and relinquished comprising 621,824 acres.

ART. II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement, and in full of all claims and demands of said Klamath and other Indians arising or growing out of the erroneous survey of the outboundaries of their reservation in 1871, the United States stipulates and agrees to pay to and expend for said Indians, in the manner hereinafter provided, the sum of \$537,007.20, being at the rate of \$6.36 cents per acre, the price awarded for said lands by the Klamath boundary commissioners in their report to the Secretary of the Interior, dated December 18, 1896.

ART. III. It is agreed that of the amount to be paid to the said Klamath and other Indians, as stipulated in Article II of this agreement, the sum of \$25,000 shall be paid in cash pro rata, share and share alike, to each man, woman, and child belonging to said Klamath and other tribes and under the jurisdiction of the Klamath Indian Agency within one hundred and fifty days from and after the date of the ratification of this agreement, and the sum of \$350,000 shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 5 per cent per annum, which interest shall be paid to said Indians annually per capita in cash, and that the remainder of said sum of \$537,007.20, after the payment of the legal fees of attorneys having duly approved contracts, shall be expended for the benefit of said Indians, under the direction of the Secretary of the Interior, upon requisition of the Indians through the United States Indian agent, in the drainage and irrigation of their lands and the purchase of stock cattle for issue to said Indians, and for such other purposes as may, in his opinion, best promote their welfare: *Provided*, That beneficiaries whose allotments will not be benefited by the irrigation systems constructed under this provision shall not bear any of the expense of such irrigation construction, and shall, as nearly as practicable, receive an equivalent in value of the stock cattle or other articles herein contemplated, that each beneficiary may thus receive his or her proportionate share of the benefits of this provision: *And provided further*, That in addition to the interest on the fund deposited in the United States Treasury, the Secretary of the Interior may, in his discretion, expend for the benefit of said Indians, including reasonable cash payments per capita, not to exceed 10 per cent per annum of the principal fund upon a majority of the male adult Indians of Klamath Agency petitioning for same through the Commissioner of Indian Affairs.

ART. IV. It is understood that nothing in this agreement shall be construed to deprive the said Klamath and other Indians of the Klamath Agency of any benefits to which they are entitled under existing treaties not inconsistent with the provisions of this agreement.

ART. V. This agreement shall take effect and be in force when signed by United States Indian Inspector James McLaughlin and by a majority of the male adult Indian parties thereto, and when approved by the Secretary of the Interior and accepted and ratified by the Congress of the United States.

For the purpose of carrying into effect the foregoing agreement the sum of \$537,007.20 is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the said agreement is hereby ratified and confirmed. Of the said sum so appropriated, \$350,000 shall be deposited in the Treasury of the United States to the credit of said Indians and the remainder shall be expended as provided in the third article of said agreement.

The VICE-PRESIDENT. The Chair would call the attention of the Senator from Minnesota to line 24, on page 119, where there is a typographical error in the amendment, the word "eighty-six" appearing in place of "eighty-six."

Mr. CLAPP. That should be corrected.

The VICE-PRESIDENT. That correction will be made. The question is on the adoption of the amendment as thus amended. The amendment as amended was agreed to.

Mr. FULTON. I offer the amendment which I send to the desk, to be inserted after the word "agreement," in line 9, on page 122.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "agreement," following line 9, on page 122, it is proposed to insert the following:

That the Secretary of the Interior be, and is hereby, authorized, in his discretion, to exchange the whole of the odd-numbered sections and parts thereof in the Klamath Indian Reservation in the State of Oregon, now held in private ownership under the final decree and decision of the Supreme Court of the United States, affirming the title of the California and Oregon Land Company thereto, in the suit of the United States against said company as reported in volume 192, at page 355, of the decisions of said court, and aggregating 111,385 acres, for other lands not exceeding 87,000 acres, situate in one or more compact

bodies, in townships 31 and 32 south, of ranges 11, 12, and 13 east in said reservation, said lands so taken in exchange to be selected, subject to the approval of the Secretary of the Interior; and in order to facilitate such exchange and the development of the lands to be so taken thereunder there may also be selected in like manner and as part of the quantity aforesaid other lands in said reservation for the location, construction, and operation of mills and power plants, and with the right to construct railroads, dams, reservoirs, and power-transmission lines, subject to the provisions of existing law and such rules and regulations as the Secretary of the Interior may prescribe thereunder. And when such exchange is effected patents for the lands so selected and approved shall issue therefor.

Mr. CLAPP. There is no objection to that amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Models (treaty)," on page 123, after line 8, to insert:

That the Secretary of the Interior is hereby authorized and directed to investigate the following claims against the United States, namely, the claims, respectively, of the Waukikum bands of the Chinook Indians of the State of Washington, of the Nuc que clah we muck band of the Chinook Indians of the State of Oregon, of the Chehalis tribe of Indians of the State of Washington, and of the Wheelappa band of the Chinook Indians of the State of Washington; and to report said investigation, with a recommendation, to the second session of the present Congress; and the said Secretary is authorized and directed to ascertain, if he can, what said claims can be settled for, and to report the same with his recommendations.

The amendment was agreed to.

The next amendment was, on page 123, after line 21, to insert:

That the Secretary of the Interior is hereby authorized and required, subject to such regulations as he may prescribe, to permit owners of sheep to cross the Umatilla Indian Reservation, in the State of Oregon, with their flocks in going to and returning from summer ranges.

Mr. CLAPP. After the word "sheep," in line 24, page 123, I move to amend the amendment of the committee by inserting the words "and cattle."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 123, line 24, after the word "sheep," it is proposed to insert "and cattle;" so as to read:

That the Secretary of the Interior is hereby authorized and required, subject to such regulations as he may prescribe, to permit owners of sheep and cattle to cross the Umatilla Indian Reservation, in the State of Oregon, with their flocks in going to and returning from summer ranges.

Mr. GALLINGER. In reference to that amendment, as I understand the matter, the Indian Office is now negotiating for the purpose of trying to have an agreement satisfactory to all parties made in regard to this matter. This amendment requires him to close it out. Why should he make regulations to allow this thing to be done? Is the Senator in charge of the bill certain that that is a wise thing to do, under the circumstances?

Mr. CLAPP. The chairman of the committee thought it was in reporting the measure. It is an amendment that came from the State of Oregon, I think, and was brought to the attention of the committee by the Senator from Oregon [Mr. FULTON]. I see no reason why the Secretary of the Interior should not be required to make provision, so that men can get their flocks over this reservation.

Mr. FULTON. If the Senator will permit me, the occasion for this amendment grows out of conditions that exist in the State of Oregon, in the vicinity of the Umatilla Indian Reservation. There are something over 100,000 head of stock which must go across this reservation in order to get to their summer feeding grounds, or they must go around the reservation. They can cross it by traveling about 15 miles, whereas to go around the reservation would require a journey of nearly 100 miles.

The amendment simply requires that some provision shall be made allowing the crossing of this reservation, subject to regulations made by the Secretary of the Interior. It is true that negotiations are on foot between the Department of the Interior and these Indians looking to an adjustment of the matter, and I have no doubt they will be consummated; but I think the authority should be given; indeed, I think the Secretary of the Interior should be required to authorize this crossing. Even if the Indians become unreasonable and refuse an agreement, he should be required to do so, it seems to me. If the Senator knew the situation that exists there I am sure he would not object.

Mr. GALLINGER. I think likely, Mr. President, that there is a necessity for this, but the memorandum before me says that the Indians object to it because the stockmen break down their fences and destroy their crops when the animals are passing over this reservation. If that be so, of course it is a valid objection on the part of the Indians. To require the Secretary of the Interior arbitrarily to do this thing, whether the Indians object or not, it seems to me is going farther than we ought to go in that direction. I will suggest that I think this ought to

be left in the discretion of the Secretary, and not make it an arbitrary regulation.

Mr. CLAPP. If the Senator will listen for a moment, I think the Department misapprehends the use of the word "required" here. There is no occasion for being sensitive about that, because that does not apply so much as to the requirement of the Secretary as to giving him absolute authority if the Indians should not agree to it. It is safeguarded by providing that he may make all the rules and regulations that may occur to him in regard to security, the payment of damages, or anything else. Without the requirement, it is doubtful whether the Secretary could force a right of way over this reservation. That was the object of the use of the word.

Mr. GALLINGER. I will ask the Senator from Minnesota, Mr. President, if he is sure that the provision giving the Secretary the power to make regulations would cover the matter of damages? If it does, I certainly have no objection; but I had an impression that it might not go so far as that.

Mr. CLAPP. That would depend upon the regulations to be prescribed. The provision reads, "subject to such regulations as he may prescribe."

Mr. GALLINGER. If the Senator thinks he would prescribe?

Mr. CLAPP. I think so clearly. If he does not, I would want to protect them.

Mr. GALLINGER. If it goes to that extent, I certainly shall not object to it. I think the rights of the Indians ought to be safeguarded. We can readily understand that if flocks of sheep and droves of cattle are permitted to cross the reservation where the Indians have fences and where they have crops, considerable damage might be done.

Mr. FULTON. That is very true; but I will say, if the Senator will permit me, that the stockmen have offered to pay Indian police to go along and guard against the stock getting within the inclosures of the Indians or away from the road. What the Indians are doing is endeavoring to take advantage of the situation and insist on an exorbitant price, notwithstanding these Indian police go along.

Mr. GALLINGER. I think upon that statement the matter ought to remain as it is.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Minnesota.

The SECRETARY. In line 24, page 123, after the word "sheep," insert the words "and cattle."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 125, after line 12, to insert:

For the improvement of the Indian school at Crow Creek Agency, S. Dak., by the erection of necessary buildings, and for repairs and improvements, \$30,000.

The amendment was agreed to.

The next amendment was, under the subhead "Chamberlain School," on page 126, line 1, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For general repairs and improvements, for fire house and equipment, for two reservoirs or water tanks, and for changing sewer, \$12,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Flandreau School," on page 126, line 13, before the word "thousand," to strike out "six" and insert "and for industrial and domestic school building, seventeen;" so as to make the clause read:

For general repairs and improvements, and for cement veneer for old buildings, and for industrial and domestic school building, \$17,000; \$2,500 to be immediately available.

The amendment was agreed to.

The next amendment was, on page 126, line 15, after the word "silo," to insert "and equipment thereof;" so as to make the clause read:

New silo, and equipment thereof, \$2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 126, line 17, to increase the total appropriation for the maintenance of the Flandreau School, South Dakota, from \$72,425 to \$83,425.

The amendment was agreed to.

The next amendment was, on page 127, after line 15, to insert:

For the purchase of 1,000 acres of land and springs and water right for a permanent water supply for the Indian school at Rapid City, S. Dak., \$8,650.

The amendment was agreed to.

The next amendment was, on page 127, line 20, to increase the total appropriation for maintenance of the Rapid City School, South Dakota, from \$48,350 to \$57,000.

The amendment was agreed to.

The next amendment was, under the subhead "Sioux, Yankton tribe (treaty)," at the top of page 130 to insert:

For laundry, \$6,000, to be immediately available; for water system, \$3,500, to be immediately available.

In all, \$34,500.

The amendment was agreed to.

The next amendment was, on page 130, after line 4, to insert:

That the sum of \$5,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to put down an artesian well or wells at or near Lake Andes, on the Yankton Indian Reservation, S. Dak., at such place or places as he may determine, for the purpose of supplying said Indians with water for domestic purposes, for stock, and for irrigation purposes.

The amendment was agreed to.

The next amendment was, on page 130, line 16, before the word "hundred," to strike out "two thousand five" and insert "three thousand two;" and in the same line, after the word "dollars," to insert "\$3,200, and for the completion of the survey of said reservation, \$1,000. In all, \$4,200;" so as to make the clause read:

For clerical work and stationery in the office of the United States surveyor-general required on surveys within the Pine Ridge Indian Reservation, S. Dak., the sum of \$3,200, and for the completion of the survey of said reservation, \$1,000. In all, \$4,200.

The amendment was agreed to.

The next amendment was, on page 130, after line 18, to insert:

That jurisdiction be, and hereby is, conferred upon the Court of Claims in Congressional case No. 22524, on file in said court, entitled "The Sisseton and Wahpeton bands of Sioux Indians against the United States," to further receive testimony, hear, determine, and render final judgment in said cause, for any balance found due said bands, with right of appeal as in other cases, for any annuities which would be due to said bands of Indians under the treaty of July 23, 1851 (10 Stat. L., p. 949), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed; and to ascertain and set off against any amount found to be due to said Indians all payments or other provisions of every name or nature made to or for said bands by the United States, or to or for any members thereof, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

Upon the rendition of such judgment and in conformity therewith the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita to the persons borne on the said roll; and the court shall consider the evidence now on file in said cause in connection with such other evidence as may hereafter be adduced therein, and the said cause shall be advanced on the docket of the Court of Claims and of the Supreme Court of the United States if the same shall be appealed; and the court shall fix and determine, after full hearing, the amount that shall be deemed reasonable and just to be paid to the attorneys for said Indians for services rendered or to be rendered in said cause, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon the rendition of final judgment, out of the proceeds of said judgment and when an appropriation for the payment thereof is made by Congress; and the Secretary of the Interior is hereby authorized and directed to apply, and there is hereby appropriated, out of any funds standing to the credit of said Indians, the sum of \$1,500, or so much thereof as may be necessary, to be expended under the direction of the attorneys for said Indians now conducting said cause for the taking of testimony therein and for defraying the expenses of printing incidental thereto.

Mr. KEAN. I make the point of order that the amendment is general legislation. It has formerly been held to be general legislation.

Mr. McCUMBER. Mr. President, I have not closely examined the amendment with reference to the point of order. The fact that it is intended to restore the payment of annuities that have been declared forfeited, it seems to me, would make it one peculiarly proper on the pending bill.

In explanation of the amendment I will simply call attention to the fact that in 1851, I think it was, a treaty was made with the Wahpeton and Sisseton band of Sioux Indians, and this treaty was afterwards modified to some extent by a new treaty in 1868. This treaty ceded to the United States a large tract of land in the State of Minnesota. The Government was to pay for that cession of land certain annuities running over forty years, I think, although I am not certain as to the number of years. But twelve of those payments were made prior to 1862.

In the spring of 1862 occurred the Sioux outbreak, or what is known as the Minnesota massacre, of that year, in which certain of these bands of Sioux, notably those in the western and southern parts of Minnesota, took a conspicuous part; and it is undoubtedly true also that a large number of the Wahpeton and Sisseton bands were engaged in that insurrection.

I simply desire to call attention to one part of the agreement. There was a provision in one of the treaties—I do not remember which one it was; it makes no difference, because they were both for the payment of some lands—to the effect that those Indians should remain at peace with the people of the United

States, and it contained a provision, not to be found in every treaty, to the effect that, in case of any disobedience of the laws by the Indians or any injury done to persons or property of the people of the United States by the Indians, the damages should be charged against the annuities of the Indians. So you see there was provision absolutely made for the payment of injuries or damages resulting from any character of depredation.

Mr. President, this was the condition at the time of the outbreak in 1862. There were a great many people murdered during this episode. It lasted somewhere in the neighborhood of about one month; possibly a little over. The first Congress thereafter, I think, forfeited all of the balance of the annuities. They forfeited it upon the only ground it would seem to me upon which it could be forfeited, that a war had really existed, and that they were treating not with wards of the Government, but treating with an independent nation. They had no authority, in my opinion, under the treaty that was made with these Indians, to forfeit those annuities, because provision was made to take from the annuities any sum of money that was found to be necessary to offset any depredations committed by the Indians. The Wahpeton and Sisseton tribes furnished very few members to that insurrection. In a number of other cases where a forfeiture has been made, the Government has since paid the sum of money to the Indians, after deducting any sum the Government has been compelled to pay to those injured by such depredations.

This amendment provides that the annuities shall be reinstated, practically; that the Court of Claims shall determine the extent of the injury to any property by reason of this uprising, and offset it against any claims for annuities. Upon the face of it the amendment seems to me to be fairly just and proper. The great majority of the tribe were not implicated in this massacre, but on the other hand furnished scouts and a great many of their young men to assist in quelling the disturbance. Justice has been meted out to every one of the Indians who engaged in that uprising. Some thirty-odd were hanged in New Ulm, I believe, during the same year. A number of them escaped and went to Canada and never returned to the United States. Others have been punished by long imprisonment. I doubt if there is a single man now living in that reservation who was in any way directly or indirectly implicated in or who took part in that general massacre. But in order to guard against the possibility of giving any reward to those who were engaged in that serious outbreak, the provision of the amendment is that the Secretary of the Interior shall determine whether or not any of those living there now were so engaged, and if so, they shall not be considered in the payment of these annuities.

I merely give this brief statement of the matter so that Senators may understand it, and especially the Senator who raised the point of order. In my opinion this money is justly due to those Indians. We have declared it forfeited. If this sum is due, it is a sum made due by treaty, and certainly, where the treaty itself provides for the payment of a sum of money, we have a right to appropriate the necessary amount to pay it. It is not new legislation; it is not general legislation, because the treaties are still extant under which the payment is to be made.

Mr. KEAN. Mr. President, I call the attention of the Senator from North Dakota to the finding of the Court of Claims in this case. This is part of the second finding:

That the proportion of such members, if there were any, who were not so concerned in the said depredations, or some of them, does not appear, and it is impossible from the evidence to find such proportion. If such proportion could be pointed out, there could be no proper distribution of the annuities to loyal members, for the reason that the individual members who were loyal, or who were not so concerned in said depredations, and who would be entitled to such distribution, do not appear, as stated in finding 1.

Mr. McCUMBER. The Senator is reading from the findings of the Court of Claims, under a bill that differed very materially from this amendment, because that bill required the Court of Claims not only to find out who were implicated, and it seemed impossible for them to ascertain, but also who were the children of those who were implicated, because the old bill denied any payment even to the heirs of those who were engaged in the insurrection.

Mr. KEAN. That is the case in which the court did make the findings.

Mr. McCUMBER. It is made upon the same subject-matter, but upon an entirely different bill. This amendment simply allows the Department to go ahead and pay out the annuities, and to pay them to the tribe generally without reference to the old act of forfeiture which was passed by Congress in 1862, I think.

Mr. KEAN and Mr. GALLINGER. 1863.

Mr. McCUMBER. 1863; the Senator from New Hampshire corrects me. The amendment certainly, it seems to me, is not subject to the point of order.

Mr. GALLINGER. The Senator from North Dakota is familiar with this case, and I should like to ask him what bands engaged in this insurrection?

Mr. McCUMBER. There were what were known as the "Upper Santee" and "Lower Santee" bands, and another band or party in western Minnesota, the name of which I do not remember. It is possible the Senator from Minnesota remembers the name better than I can.

Mr. CLAPP. The Medawakantons.

Mr. McCUMBER. The Medawakantons.

Mr. GALLINGER. The Senator from North Dakota says the former bill on which the finding of the Court of Claims was made denied compensation to the heirs of those engaged in this massacre.

Mr. McCUMBER. The descendants. Yes; that is my understanding.

Mr. GALLINGER. The descendants. Does not the Senator think if this amendment is not guarded in that respect it ought to be? Does the Senator think the heirs ought to be compensated?

Mr. McCUMBER. I do, for this reason: This was not a general uprising so far as concerns these two bands—the Wahpetons and Sissetons. There were a few of their members, there may have been one or two or three hundred who engaged in it, and they engaged in it against the will and the advice and despite the attempt of the older men of those two bands to keep them out of it. It was a year of great excitement. The Indians have been deprived of their annuities. They had been defrauded and cheated until they raised against the white people, and following this a great many of the younger men of those two bands, as I stated before, took part in it. They have been punished. Probably not half a dozen of those who took part in it are alive to-day, and in a case of murder or theft or anything of that kind it is not our policy to punish the children for the crime of the father.

Mr. GALLINGER. The Senator thinks that most of them have been apprehended—

Mr. McCUMBER. I think practically all.

Mr. GALLINGER. And either executed or imprisoned?

Mr. McCUMBER. I think so. There are some who are living there, and the officers can ascertain who they are, because they have a record of their imprisonment. Every one against whom there was any evidence of having taken part in the insurrection was either executed or hanged, and the others served long terms of imprisonment.

Mr. HANSBROUGH. Mr. President, I have been examining the report of the Committee on Indian Affairs containing the hearings on this question. Part of the reservation occupied by these Indians lies in the State of North Dakota. It is a very small part of it, however. The larger part of it lies in South Dakota. On reading this report I find that Mr. D. N. Cooley, who was Commissioner of Indian Affairs in 1866, has this to say in regard to the character of these Indians:

In this speedy suppression of the outbreak many friendly Indians acted as scouts, and otherwise rendered good service. They never committed any acts of hostility. * * * They have remained friendly while compelled to a vagabond life for three years by the indiscriminate confiscation of all the land and property of their people.

Further along in his report on this case he says:

In 1867 the Government, having been convinced that a great wrong had been done in the case of the Sisseton and Wahpeton bands, who not only refrained from hostilities, but had periled their lives in defense of the whites and in delivering a large number of captive women and children who had been captured by the hostiles, appointed a commission to treat with these bands. This treaty, concluded February 19, 1867, in its preamble recites the fact that the act of February 16, 1863, had wronged these bands, and the third article, "for and in consideration of the faithful services said to have been rendered by them," and "in consideration of their confiscated annuities, reservation, and improvements," set apart for the scouts and their families the Traverse Lake reservations and the fourth article for the others, who fled from the hostiles to the north, the reservation of Devils Lake.

So these Indians have been recognized as friendly Indians, and the Commissioner of Indian Affairs—in fact, Congress itself—has drawn a very distinct line between those who were hostile to the Government and those who were friendly.

I observe in this same report a quotation from the speech made here in 1899 by Senator Cushman K. Davis, who had given extensive consideration to this question; and I think it will be generally conceded that Senator Davis knew thoroughly what he was talking about. I shall quote briefly from the speech made by the late Senator from Minnesota. He said:

One of these bands went to war with the United States, and a scene of great devastation and slaughter was exhibited in my own State. * * * Now, the fact was (and nothing is better known in the history of my own State, where the tragedy occurred), that three of

these bands took no part in the massacre. It was perpetrated entirely by the Santees, and as public opinion and knowledge have become better acquainted with the subject, the conscience of those States, and my own State especially, has been aroused to the conviction that reparation shall be made and justice be done.

Mr. President, so much in regard to the question whether these Indians are entitled to the restoration of their annuities. I think it is the only case in the history of the United States where annuities have been taken away from Indians for hostile acts and never have been restored.

On the question of the point of order, I do not think the point of order is well taken. While it is true there is a provision in the amendment for an appropriation of a small sum of money, yet the purpose of the amendment is to submit the question to the Court of Claims. We do not undertake here to decide the case. We leave it to the Court of Claims to ascertain the facts and to report upon the facts so ascertained. If the point of order will lie against an amendment of this kind, there would not be much left of any of the appropriation bills that go through this body. I do not myself think the point of order is well taken.

The VICE-PRESIDENT. The Chair will leave the question to the Senate under Rule XX. Is the amendment in order?

Mr. KEAN. I think it had better not be submitted to-night. Will the Senator from Minnesota say that he can get along with a compromise by striking out of the amendment the clause beginning at line 12, down to and including line 19—that is, after the word "Congress," in line 12, to the end of the paragraph?

Mr. McCUMBER. I ask the Senator what would be the object in striking it out?

Mr. CLAPP. That would strike out the appropriation of \$1,500.

Mr. HANSBROUGH. So far as I am concerned, I have no objection to striking out the clause.

Mr. CLAPP. There is no objection to striking it out.

Mr. KEAN. I move to strike out those lines.

The VICE-PRESIDENT. The Senator from New Jersey proposes an amendment to the amendment, which will be stated.

The SECRETARY. After the word "Congress," in line 12, page 132, strike out the following words:

And the Secretary of the Interior is hereby authorized and directed to apply, and there is hereby appropriated, out of any funds standing to the credit of said Indians, the sum of \$1,500, or so much thereof as may be necessary, to be expended under the direction of the attorneys for said Indians now conducting said cause for the taking of testimony therein and for defraying the expenses of printing incidental thereto.

The amendment to the amendment was agreed to.

Mr. KEAN. Now, I will withdraw my point of order so as not to embarrass the amendment.

The VICE-PRESIDENT. The Senator from New Jersey withdraws the point of order. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 133, after line 3, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to allow Bertha D. Staley, administratrix of the estate of James Staley, deceased, credit in the sum of \$475.63 in the settlement of the accounts of said James Staley, deceased, late superintendent Indian training school, Yankton Agency, S. Dak., and special disbursing agent.

The amendment was agreed to.

The next amendment was, on page 133, line 16, before the word "rules," to insert "such;" so as to make the clause read:

That Yuhunhuzewin, Sisseton and Wahpeton allottee No. 863, to whom a trust patent has been issued containing restrictions upon alienation, may sell and convey any part of her allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe, and when so approved shall convey full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

The amendment was agreed to.

Mr. McCUMBER. I should like to offer an amendment to come in after line 19, page 133.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 19, page 133, insert:

That for the purpose of allowing any Indian allottee to sell for town-site purposes any portion of the lands allotted to him the Secretary of the Interior may, by order, remove restrictions upon the alienation of such lands and issue fee-simple patents therefor under such rules and regulations as he may prescribe.

Mr. CLAPP. There is no objection to that amendment.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 133, after line 19, to strike out:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cancel the patents for the allotments made to Thomas Bull, Sarah Bull, and Lillie Bull, Yankton Sioux allottees Nos. 1136, 1137, and 1138, respectively, and to reallocate the lands covered by said patents to members of the Yankton Sioux tribe who were entitled to allotment but failed to receive lands when the Indians of said tribe were allotted lands in severalty.

The amendment was agreed to.

The next amendment was, on page 134, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the allotments made to It ko ki po pi or Joshua, John Joshua, Thomas Bull, Sarah Bull, and Lillie Bull, Yankton Sioux allottees Nos. 1139, 1140, 1136, 1137, and 1138, respectively; and if he becomes satisfied that there did not in fact exist said allottees or any of them at the time the said allotments were made, he is hereby authorized and directed to reallocate the lands embraced in said allotments.

Mr. LODGE. I should like to ask the Senator in charge of the bill whether it is intended to allow those allotments to any Indians except the Yankton Sioux?

Mr. CLAPP. I presume not. I think this was a suggestion sent in by the Department.

Mr. LODGE. Has the Senator any objection to adding, at the end of the paragraph, in line 14:

To the members of the Yankton tribe who were entitled to allotments, but failed to receive lands when the Indians of said tribe were allotted lands in severalty.

Mr. CLAPP. I have no objection at all to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 134, after line 14, to insert:

That the restrictions contained in terms, or by provisions of law then in force, upon the patent issued on the 10th day of June, 1889, to Angelique Dupuis, on the following-described property, to wit, the south half of the southeast quarter of section 17 and the north half of the northeast quarter of section 20, township 124 north, of range 50 west, principal meridian, in the Territory (now the State) of South Dakota, be, and the same are hereby, removed; and the heirs of the said Angelique Dupuis are hereby vested with title in fee simple in and to said land, and authorized to sell and convey the same, subject to the laws of the State of South Dakota relating to the estates of decedents.

The amendment was agreed to.

The next amendment was, on page 135, after line 2, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted to them: Collins La Monte, allottee No. 837; Mrs. Artie Barber, allottee No. 574; Mrs. Mary S. Rouse, Ellen Young, Julia D. Picotte, and Joseph Leonard Smith, Yankton Sioux allottees Nos. 597, 1103, 897, 249 (and 488), respectively; Charles Henry Bonnin, Mercy Conger Bonnin, Joseph Shunk Laroche, Julia Shunk Laroche, Hermine Shunk, Alexander Shunk, William Shunk, Yankton Sioux allottees, and Jennie Quinn, a Sisseton and Wahpeton allottee, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, encumbrance, or taxation of the lands so patented.

Mr. KEAN. I have no objection to the amendment, but I wish to ask the Senator from Minnesota a question.

A good many of these allottees have the numbers and a good many have not. Is not that rather likely to cause confusion?

Mr. CLAPP. I think not. It is just a matter as to whether those who sent them in indicated numbers or not. Some reported them one way and some the other.

Mr. KEAN. Some have numbers and some have not; that is all.

Mr. CLAPP. If it is thought necessary in conference we can put in the numbers in all cases. I do not think it would be material, however.

The amendment was agreed to.

Mr. OVERMAN. I wish to offer an amendment. At page 113, line 12, after the word "lands," I move to insert:

That all restrictions as to sale and incumbrance as to the lands heretofore allotted in Oklahoma to Frank Shintels and Jane Barone, absentees Shawnee allottees Nos. 29 and 30, are hereby removed.

Mr. LODGE. I have no objection to the amendment, but we are proceeding under a unanimous-consent agreement which takes the committee amendments first. I am not going to object to this amendment, but I merely mention it because, of course, amendments not offered by the committee are not now in order unless by unanimous consent.

The VICE-PRESIDENT. The Senator from Massachusetts is correct in that statement. Without objection, the question will be put on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 135, after line 19, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted to them: Daniel Dowan, Annie B. White, William B. Robertson, Henry Red Earth, Samuel Quinn, Jennie M. Bailly, Sarah La Batte, John La Batte, Mason S. La Batte, Mary Wynde, Viola Moore, formerly Viola Faribault, and Arthur Gray Cloud, Sisseton and Wahpeton allottees, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. CLAPP. At this point I desire to offer an amendment sent in from the Department.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 136, line 1, after the words "Viola Faribault," insert "Joseph R. Brown, jr., Amanda Brown."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 136, after line 4, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to Moses N. Vandel, heir of Charles E. Vandel, Arthur M. Vandel, James E. Vandel, Yankton Sioux Indians, deceased, for the land heretofore allotted them; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. LODGE. I should like to ask the Senator from Minnesota if it would not be better to say "to issue fee-simple patents to the heir or heirs," instead of undertaking to determine by law who is the heir, for that must be a question for the courts to decide, if there is any question.

Mr. CLAPP. There can be no objection at all to the amendment to the amendment.

Mr. LODGE. Of course if he is the heir it will not affect his rights at all.

Mr. CLAPP. There is no question but that the heir is a well-known party, but there is no objection to it; it is better form.

Mr. LODGE. It seems to me it would be better form to put it that way; to strike out the words "Moses N. Vandel, heir" and insert "the heir or heirs."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 136, line 7, it is proposed to strike out the words "Moses N. Vandel, heir" and insert "the heir or heirs;" so as to read:

To issue fee-simple patents to the heir or heirs of Charles E. Vandel, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 136, after line 11, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patent to Wanyanka Mani, or Rev. Luke C. Walker, for the land heretofore allotted to him on the Sioux ceded tract, and the issuance of said patent shall operate as a removal of all restrictions as to the sale, encumbrance, or taxation of the lands so patented.

The amendment was agreed to.

The next amendment was, on page 136, after line 18, to insert:

That Johah Irmwhip, allottee No. 97; Amos Sitoka, allottee No. 1214; Sunrise, allottee No. 885; Josephine Brunot, allottee No. 615; John Wahchahunka, allottee No. 1025; Tunkasapa, or Joseph T. Cook, Anpaodutawin, or Mary Ann Langlois, Yankton Sioux allottees to whom trust patents have been issued containing restrictions on alienation, may sell and convey not exceeding 40 acres of their allotments; but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

Mr. KEAN. I call the attention of the Senator from Minnesota to the name of "Jonah Irmwhip," in line 19. The letter "o" should go in between the "r" and "m;" so as to read "Iromwhip."

Mr. CLAPP. I confess that I do not have the familiarity with the subject that the Senator from New Jersey probably has. I accept the amendment, if insisted on.

Mr. KEAN. I have been so informed. Let it read "Iromwhip."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 137, line 10, after the word "them," to strike out "Frances Ree, Victoria McBride, Peter Picotte, Lotis Shunk, Frank La Rochelle, Louise Barbier Moran, Kate Marion Barbier, Peter La Grande, Lucy S. Patton, Joseph Dubray, Frederick Barbier, and Marie Barbier, Yankton Sioux allottees Nos. 228, 462, 162, 1038, 817, 1416, 1356, 776, 1007, 1040, 1354, 779, 242, and 780, respectively; Louise Cutschall, née Herman, Rosebud allottee No. 643; George W. Dripps, Yankton Sioux allottee No. 1435; Joseph Volin, Yankton allottee No. 1129; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented;" on page 138, line 5, after the word "patented," to insert "Louise Ange and Angel Ange Bagan, Sisseton and Wahpeton allottees;" and in line 7, after the word "allottees," to strike out "heirs of Louis Dechon, Alexis V. Renville, William M. Weatherstone, Daisy Rice, Mary S. Weatherstone, James Weatherstone, Ada Cloutier, Ralph Weatherstone, and Joseph La Fromboise, Sisseton and Wahpeton allottees Nos. 215, 1070, 1300, 1307, 1296, 1301, 212, and 724 (two numbers), 1299, and 1337;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: Louise Ange and Angel Ange Bagan, Sisseton and Wahpeton allottees, respectively; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. CLAPP. At this point I desire to offer an amendment at the request of the Department.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 138, line 6, before the name "Louise Ange," insert:

William Jandrin, Yankton allottee No. 1147.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 138, after line 18, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the sum of \$200 each to Pretty Bear, Chief Martin Charger, Swift Bird, Strike the Fire, Kills and Comes, Four Bear, Sitting Bear, Charging Dog, and One Rib, of Cheyenne River Reservation, in South Dakota, and Fast Walker, Mdoka, Red Dog, Black Eagle, Don't Know How, Black War Club, Fool Dog, and Walking Crane, of Crow Creek Reservation, in South Dakota, and Mad Bear, of Standing Rock Reservation, in South Dakota and North Dakota, all Sioux Indians, or their heirs, to reward them for services and sacrifice of ponies in accomplishing the rescue of Mrs. Julia Wright, Mrs. Emma Deely, and six children, all white persons, captives in the custody of the White Lodge bands of the Sioux Indians, in November, 1862, near the mouth of Grand River, Dakota Territory. That the sum of \$3,600 be, and the same is hereby, appropriated therefor, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 139, after line 12, to insert:

That the tract of land within the old Cheyenne River Reservation, S. Dak., which was reserved from entry and settlement by proclamation of the President issued February 10, 1890, said tract being within that portion of the Great Sioux Reservation ceded by the agreement between the Sioux Nation and the United States, approved March 2, 1889 (25 Stat., p. 888), having, by the proclamations by the President issued February 7, 1903, and March 30, 1904, been declared subject to disposal under the provisions of said agreement, and which contains 33,676.33 acres, exclusive of one school section, is hereby accepted by the United States at the maximum price of \$1.25 per acre, the same as fixed by section 21 of said act for the ceded lands disposed of within the first three years after the taking effect of the said act.

The amendment was agreed to.

The next amendment was, on page 140, after line 6, to insert:

For the improvement of the Hope Indian School at Springfield, S. Dak., by the addition of another story to the rear portion of the main building, \$3,500.

The amendment was agreed to.

The next amendment was, on page 140, after line 10, to insert:

For payment to fifteen Sioux Indians of Pine Ridge Agency, S. Dak., for property taken from them in the year 1876 by the United States military authorities for reasons of military expediency, while they were in amity with the Government, the names of the Indians and amounts to be paid to each having heretofore been found by the Department of the Interior and reported in estimates for appropriations required for the service of the fiscal year ending June 30, 1905, and prior years, by the Indian Service, the sum of \$6,320.

The amendment was agreed to.

The next amendment was, under the head of "Utah," at the top of page 141, to insert:

That the Secretary of the Interior is hereby authorized, in his discretion, to sell, at such price as he may deem fair and reasonable, 160 acres of land of the tract now occupied by the Shebit Indians in Washington County, Utah, to the Utah and Eastern Copper Company, including the 20 acres of land leased by the Secretary of the Interior to the said Utah and Eastern Copper Company on November 5, 1903, under the authority of the Indian appropriation act approved March 3, 1903; and the Secretary of the Interior is hereby authorized to make, execute, and deliver proper deeds of conveyance therefor and to expend the proceeds of the sale for the use and benefit of the Shebit Indians in such manner as he may deem best: *Provided, however*, That the consent of three-fourths of the adult male Indians to said sale is obtained: *And provided*, That said deed shall contain the following conditions or covenants, to wit: Prohibiting the sale or use of intoxicating liquor on any part of the land sold so long as the adjoining territory is used for an Indian reservation, and also prohibiting the pollution of the water after it leaves the smelters of the Utah and Eastern Copper Company, and also prohibiting the commission of nuisances of any kind whatsoever on the tract of land sold.

The amendment was agreed to.

The next amendment was, on page 142, after line 10, to insert:

IRRIGATION.

For constructing and completing irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, \$600,000, \$200,000 for the fiscal year ending June 30, 1907, of which \$125,000 shall be immediately available, the balance of said appropriation to be used as hereafter designated, to be reimbursed from the proceeds of the sale of the lands within the former Uintah Reservation: *Provided*, That such irrigation systems shall be constructed and completed and held and operated, and water therefor appropriated under the laws of the State of Utah, and the title thereto until otherwise provided by law shall be in the Secretary of the Interior in trust for the Indians, and he may sue and be sued in matters relating thereto: *And provided further*, That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Utah: *And provided further*, That when said irrigation systems are in successful operation the cost of operating same shall be equitably apportioned upon the lands irrigated, and when the Indians have become self-supporting to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work within thirty years, suitable deduction being made for the amounts received from disposal of the lands within the former Uintah Reservation.

Mr. GALLINGER. On page 143, line 11, after the word

"work," I move to amend the amendment by inserting the words "done in their behalf."

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 143, line 11, after the word "work," it is proposed to amend the amendment by inserting "done in their behalf;" so as to read:

And provided further, That when said irrigation systems are in successful operation the cost of operating same shall be equitably apportioned upon the lands irrigated, and when the Indians have become self-supporting to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done in their behalf within thirty years, suitable deduction being made for the amounts received from disposal of the lands within the former Uintah Reservation.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Federated bands of Utes (treaty)," on page 144, after line 7, to insert:

That the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes," approved March 3, 1903, be amended by adding after the words "Uintah County, Utah," in the thirty-fourth line of page 998 of part 1 of volume 32 of the United States Statutes at Large, the words "or in the office of the county recorder of Wasatch County, Utah, or with the recorder of the mining district in which such mining claims are situate," and by adding after the words "Uintah County," in the fortieth line of page 998 of part 1 of volume 32 of the United States Statutes at Large, the words "or Wasatch County."

The amendment was agreed to.

The next amendment was, on page 144, after line 23, to insert:

That the Secretary of the Interior may authorize the Indians of the former Uintah Reservation, in the State of Utah, to cut and sell cedar and pine timber for posts or fuel from the tracts reserved for grazing purposes for said Indians under joint resolution of June 19, 1902, in such quantities and upon such terms and under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 145, after line 6, to insert:

For the purchase of lands and sheep for the San Juan Pah-Ute Indians, \$5,000.

The amendment was agreed to.

The next amendment was, on page 145, after line 8, to insert:

For the support and civilization of the Kaibab Indians in Utah, and for the purchase and acquiring of land and water, together with the necessary farming implements and machinery and live stock for their use, \$10,500, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 146, after line 9, to insert:

That the Secretary of the Interior, in his discretion, is hereby authorized to sell, under rules and regulations to be prescribed by him, any tract or tracts of land heretofore reserved for the Puyallup Indian School not now needed for school purposes, and to use the proceeds of said sale for the establishment of an industrial and manual training school for the Puyallup and allied tribes and bands of Indians at the site of the present Puyallup Indian School.

The amendment was agreed to.

The next amendment was, under subhead "Spokane (treaty)," on page 147, after line 11, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey by patent, with such reservations as to flowage rights, dam sites, and mill sites appurtenant to water powers as he may prescribe, such tract or tracts of lands of the Spokane Indian Reservation, State of Washington, lying at or near the junction of the Columbia and Spokane rivers, not exceeding 360 acres in extent, for town-site and terminal purposes, upon the payment of such price as may be fixed by him, and that the money received therefrom shall be deposited in the Treasury of the United States to the credit of the Spokane Indians.

The amendment was agreed to.

The next amendment was, on page 147, after line 22, to insert:

COLVILLE RESERVATION.

To carry into effect the agreement bearing date May 9, 1891, entered into between the Indians residing on the Colville Reservation and commissioners appointed by the President of the United States under authority of the act of Congress approved August 19, 1890, to negotiate with the Colville and other bands of Indians on said Colville Reservation for the cession of such portion of said reservation as said Indians might be willing to dispose of, there shall be set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress and payment to said Indians, in full payment for 1,500,000 acres of land opened to settlement by the act of Congress "To provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes," approved July 1, 1892, the sum of \$1,500,000, of which sum \$150,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the benefit of said Indians.

The amendment was agreed to.

The next amendment was, on page 149, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties

for the lands heretofore allotted to them: George Bowen, Charles Finkbonner, Tee ah Ligh or George, Tang Weah or Louis, Tom Whaquisun, Yah Him Aloo or Mary, Descanum or Albert, Kwina or Henry, Lummi allottees Nos. 1, 2, 3, 11, 16, 22, 28, and 30, respectively, on the schedule of allotments approved by the President October 14, 1884, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

The amendment was agreed to.

The next amendment was, on page 149, after line 15, to insert:

That Charles Sheestel, Swinomish allottee No. 23, to whom a patent has been issued in accordance with the provisions of the seventh article of the treaty of January 22, 1855, with the Dwamish and other Indians (12 Stat., p. 927), containing restrictions upon sale and alienation, may sell and convey the northwest quarter of the southwest quarter of section 24, township 34 north, range 2 east, Willamette meridian, Washington, being 40 acres of his allotment, but that such conveyance shall be under the supervision and subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser; also the south half of the north half of the southeast quarter of section 23, township 34 north, range 2 east, Willamette meridian, or any part thereof, in the discretion of the Secretary of the Interior; and this conveyance, if any, shall be under the supervision and subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser.

The amendment was agreed to.

The next amendment was, on page 150, after line 10, to insert:

That Lizzie Peone, allottee No. 331 in what was formerly the north half of the Colville Indian Reservation, in the State of Washington, and to whom a trust patent has been issued containing restrictions upon alienation, may sell and convey any part of her allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe, and when so approved shall convey full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

The amendment was agreed to.

The next amendment was, on page 150, line 23, after the word "them," to strike out "L. F. Laqua, a Yakima Indian, to his allotment, No. 780; Susan Stone (Swasey), a Yakima Indian, to her allotment, No. 286; Suis Sis Kin, or Loupe Loupe Charley, No. 4, Yakima, now Waterville, Wash.; Charles Wannassy, Yakima allottee No. 1618; Margaret Sar Sarp Kin, No. 6, Washington;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. CLAPP. I ask the Senate to disagree to that amendment of the committee.

The amendment was rejected.

The next amendment was, on page 151, after line 8, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple to Franklin P. Olney, a Yakima Indian, for the land covered by his allotment No. 583; and the issuance of said patent shall operate as the removal of all restrictions as to sale, incumbrance, or taxation of the land so patented.

Mr. GALLINGER. I move to amend the amendment just stated by striking out on page 151, line 10, after the word "authorized," the words "and directed" and inserting "in his discretion."

Mr. CLAPP. There is no objection to that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 151, line 10, after the word "authorized," in the amendment of the committee, it is proposed to strike out the words "and directed," and to insert in lieu thereof the words "in his discretion;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue a patent in fee simple to Franklin P. Olney, etc."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. While we are on these minor matters, on page 143, in line 11, in the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER], I think there ought to be a comma inserted after the word "done," to make it read properly.

Mr. GALLINGER. Yes. I venture to suggest, in that same connection, that the amendment will read still better if at the close of line 8 a comma be inserted, and then if a comma be inserted after the word "self-supporting," in the next line; so as to read:

And, when the Indians have become self-supporting, to the annual charge shall be added, etc.

The VICE-PRESIDENT. In the absence of objection, the amendment of the committee, which has heretofore been agreed to, will be regarded as open to amendment. The question is on the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. I now offer the amendment which I suggested a moment ago in line 11, on page 143.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 143, line 11, after the word "done," it is proposed to insert a comma; so as to read:

And provided further, That when said irrigation systems are in successful operation the cost of operating same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done, in their behalf within thirty years, suitable deduction being made for the amounts received from disposal of the lands within the former Uintah Reservation.

Mr. GALLINGER. There ought to be a comma inserted after the word "behalf," in line 11.

The VICE-PRESIDENT. In the absence of objection, that change will be made.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Tomah School," on page 153, line 19, after the word "them," to strike out:

(Compson) Duxtater, William Cornelius, Ida Powless, Daniel H. Cooper, Charles Elm, Abram Elm, Catherine Nynham, Joshua Cornelius, Lehi Wheelock, Dennison Wheelock, Rachel Peters Jones, Jerusha Peters, and Alice Cornelius, Oneida allottees Nos. 137, 57, 224, 769, 1272, 1271, 1398, 1514, 373, 21, 310, 1137, and 62, respectively; Jacob Duxtater, allottee No. 1099; Rachel Elm, allottee No. 879; Jerusha Powless, allottee No. 1483; Hendrix Skenandoo, allottee No. 804; Hannah Hayes, allottee No. 305; Dolly Ann Duxtater, allottee No. 174; Martin Williams, allottee No. 420; Moses Webster, allottee No. 1135; Adam King, allottee No. 121; Elizabeth Nynham, allottee No. 1075; Elijah John, allottee No. 506; Silas Webster, allottee No. 1350; Henry Cooper, allottee No. 338; David King, allottee No. 201; Job Silas, allottee No. 333; Joseph Skenandoo, allottee No. 573; James Silas, allottee No. 2055; John Parkhurst, allottee No. 236, and David Adams, allottee No. 594, Oneida Indians; Isalah Sycles, Schuyler Nynham, Archie Wheelock, Truman Duxtater, Sophia Webster, Mary Webster, Jane Parkhurst, Henry Wheelock, Eva Jourdan, William Archquette, Sarah Hill, Frank Button, Sylvester Button, Margaret Thomas, William Christjohn, Frank Cornelius, Alice Cornelius, Hannah Hill, Sarah Sycles, Adam P. Cornelius, Thomas John, Esther Christjohn, Joseph Metozen, and James Wheelock, Oneida allottees Nos. 677, 1399, 1061, 1079, 184, 1183, 1277, 344, 839, 720, 471, 376, 1268, 876, 1238, 717, 718, 148, 1486, 713, 733, 364, 142, and 16.

And on page 155, line 21, after the word "respectively," to insert "and Michel Buffalo, Red Cliff allottee No. 28;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted to them, respectively, and Michel Buffalo, Red Cliff allottee No. 28, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

The amendment was agreed to.

The next amendment was, on page 156, after line 6, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, with the consent of the Indians of the La Pointe or Bad River Reservation, to be obtained in such manner as he may direct, to set apart lots 10, 11, and 12, section 25, township 48 north, range 3 west, on the La Pointe Reservation, in Wisconsin, for an Indian town site, and to cause the lands described to be surveyed and platted into suitable lots, streets, and alleys, and to dedicate said streets and alleys and such lots or parcel as may be necessary to public uses, and to cause the lots to be appraised at their real value, exclusive of improvements thereon or adjacent thereto, by a board of three persons, one of whom shall be the United States Indian agent of the La Pointe Agency, one to be appointed by the Secretary of the Interior, and one selected by the Indians of the La Pointe band of Chippewas, who shall receive such compensation as the Secretary of the Interior may prescribe, to be paid out of the proceeds of the sale of lots sold under this act, and when so surveyed, platted, and appraised, the President may issue patents to the Indians of the said reservation for such lots on the payment by them of the appraised value thereof, on such terms as may be approved by the Secretary of the Interior, and the net proceeds of such sales shall be placed to the credit of the La Pointe band of Chippewa Indians: *Provided*, That no person shall be authorized to purchase lots on the lands described other than members of said La Pointe band of Indians, and those now owning permanent improvements there shall have the preference right for six months from the date such lots shall be offered for sale within which to purchase tracts upon which their improvements are situated, but no lot shall be sold for less than the appraised valuation; but if any person entitled fails to take advantage of this provision, the agent of the La Pointe Agency shall appraise the improvements on the unsold lots, and any member of the La Pointe band of Chippewas, on the payment to the owner of the appraised value of the improvements, shall have the preference right for six months from the date of such payment to purchase such unsold lot or lots at their appraised value on such terms as may be approved by the Secretary of the Interior: *Provided further*, That the patents to be issued shall contain a condition that no malt, spirituous, or vinous liquors shall be kept nor disposed of on the premises conveyed, and that any violation of this condition, either by the patentee or any person claiming rights under him, shall render the conveyance void and cause the premises to revert to the La Pointe band of Chippewa Indians, to be held as other tribal lands.

Mr. GALLINGER. I move to amend the committee amendment, on page 156, line 8, after the word "authorized," by inserting the words "in his discretion."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 156, line 8, after the word "authorized," it is proposed to amend the amendment of the committee by inserting "in his discretion;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, with the consent of the Indians of the La Pointe or Bad River Reservation, to be obtained in such manner as he may direct, to set apart lots 10, 11, and 12, section 25, township 48 north, range 3 west, on the La Pointe Reservation, in Wisconsin, etc.

Mr. CLAPP. The committee amendment which the Senator proposes to amend was framed by the Department. I have no objection, however, to the amendment of the Senator from New Hampshire to the amendment of the committee.

Mr. GALLINGER. It is simply for the purpose of making it uniform with the other paragraphs.

The amendment to the amendment was agreed to.

Mr. GALLINGER. On page 157, line 23, manifestly the Department made a mistake in using the word "nor," where it should be "or." I move to strike out "nor" and insert "or."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 157, line 23, after the word "kept," it is proposed to amend the amendment of the committee by striking out "nor" and inserting "or."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 158, after line 3, to insert:

That the northeast quarter of the northeast quarter of section 34, township 48 north, range 3 west, be set aside and dedicated as a burial ground, and for such other purposes as may be approved by the Commissioner of Indian Affairs, for the use of the members of the La Pointe band of Indians. And the Secretary of the Interior is hereby authorized to sell and dispose of the merchantable timber growing thereon in such manner as he may deem best, for cash, and to expend the proceeds derived therefrom in paying the cost of surveying and platting the village of Odanah, in improving the cemetery site, and for public improvements in said village.

The amendment was agreed to.

The next amendment was, on page 158, after line 15, to insert:

STOCKBRIDGE AND MUNSEE TRIBE.

That the members of the Stockbridge and Munsee tribe of Indians, as the same appear upon the official roll of said tribe, made in conformity with the provisions of the act of Congress approved March 3, 1893, entitled "An act for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin," and their descendants, who are living and in being on the 1st day of July, 1904, and who have not heretofore received patents for land in their own right, shall, under the direction of the Secretary of the Interior, be given allotments of land and patents therefor in fee simple, in quantities as follows:

To each head of a family, one-eighth of a section: *Provided*, That such allotment to the "head of a family" shall be deemed to be a provision for both husband and wife, or the survivor in the event of the death of either.

To each single person not provided for as above, one-sixteenth of a section.

That where a patent has heretofore been issued to the head of a family (a married man) the same shall be deemed to have been in satisfaction of the claims of both husband and wife, and no further allotment shall be made to either of such persons under this act: *Provided*, That the children of such parents shall be entitled to allotments hereunder in their own right, if enrolled as members of the tribe.

That as there is not sufficient land within the limits of the Stockbridge and Munsee Reservation to make the allotments in the quantities above specified, all available land in said reservation shall first be allotted to the heads of families and single persons residing thereon, until said reservation land shall be exhausted, the additional land that may be required to complete the allotments to be obtained in the manner hereinafter specified: *Provided*, That the Secretary of the Interior may make such rules and regulations as he may deem necessary to carry out the requirements of this act as to making and designating allotments.

That it shall be obligatory upon any member of said tribe who has made a selection of land within the reservation, whether filed with the tribal authorities or otherwise, to accept such selection as an allotment, except that the same shall be allotted in quantity not to exceed that hereinbefore authorized: *Provided*, That where such selection does not equal in quantity the allotment hereinbefore authorized, the allottee may elect to take out of the lands obtained under the provisions of section 6 of this act the additional land needed to complete his or her quota of land, or in lieu thereof shall be entitled to receive the commuted value of said additional land in cash, at the rate of \$2 per acre, out of the moneys hereinafter appropriated.

That those members of said tribe who have not made selections within the reservation shall be entitled to the option of either taking an allotment under the provisions of this act, or of having the same commuted in cash, at the rate of \$2 per acre, out of the moneys hereinafter appropriated: *Provided*, That the election of any member to take cash in lieu of land shall be made within sixty days after the date of the approval of this act.

That for the purpose of obtaining the additional land necessary to complete the allotments herein provided for the Secretary of the Interior is hereby authorized and directed to negotiate, through an Indian inspector, with the Menominee tribe of Indians of Wisconsin for the cession and relinquishment to the United States of a portion of the surplus land of the Menominee Reservation in said State, or to negotiate with the authorities of said State, or with any corporation, firm, or individual, for the purchase of said additional land: *Provided, however*, That in no event shall any agreement of cession or contract of purchase so negotiated stipulate that a sum greater than \$2 per acre shall be paid for the land so obtained: *And provided further*, That no such agreement or contract shall have any force or validity unless the same shall be approved by the Secretary of the Interior; or said Secretary

may, in his discretion, utilize such unappropriated public lands of the United States as may be required to complete the allotments.

That the Secretary of the Interior is hereby authorized and directed to pay to such members of the Stockbridge and Munsee tribe as he shall find entitled thereto under the said act of March 3, 1893, and the enrollment made thereunder, and the descendants who are living and in being on the 1st day of July, 1904, in cash per capita, the whole of the trust fund now to their credit in the Treasury of the United States when the allotment of lands to them shall have been completed as herein contemplated.

That certain members of the Stockbridge and Munsee tribe having made selections of land on tracts patented to the State of Wisconsin under the swamp-land acts, and having made valuable improvements thereon, the Secretary of the Interior is hereby authorized to cause said improvements to be appraised by an inspector or special agent or Indian agent of his Department, and to pay to the owners, as their interests may appear, the appraised value of said improvements, in all not to exceed the sum of \$1,000, out of the moneys hereinafter appropriated.

That the sum of \$35,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of the Interior in commuting the value of allotments in cash, in payment for the cession or purchase of additional lands, and in compensating Indians for the appraised value of their improvements located on swamp lands, as hereinbefore provided.

Mr. CLAPP. On page 160, line 11, after the word "provisions," I move to amend the amendment of the committee by striking out the words "of section 6."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 160, line 11, after the word "provisions," it is proposed to amend the committee amendment by striking out the words "of section 6;" so as to read:

That it shall be obligatory upon any member of said tribe who has made a selection of land within the reservation, whether filed with the tribal authorities or otherwise, to accept such selection as an allotment, except that the same shall be allotted in quantity not to exceed that hereinbefore authorized: *Provided*, That where such selection does not equal in quantity the allotment hereinbefore authorized, the allottee may elect to take out of the lands obtained under the provisions of this act the additional land needed to complete his or her quota of land, or in lieu thereof shall be entitled to receive the commuted value of said additional land in cash, at the rate of \$2 per acre, out of the moneys hereinafter appropriated.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. GALLINGER. I have two or three notes on my desk relating to paragraphs which I think were considered when I was absent from the Chamber. Possibly the amendments I desire to suggest were made. On page 15, line 13, I will ask if the word "third" was changed to "second?"

The VICE-PRESIDENT. That change was not made.

Mr. GALLINGER. I am sure that that should read "approved March 2d," instead of "March 3d."

Mr. CLAPP. Is that in the Senate committee amendment?

Mr. GALLINGER. It is in the Senate committee amendment. It should be "March 2d;" and I move that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, line 13, before the word "eighteen," it is proposed to strike out "third" and insert "second;" so as to read:

That section 2 of an act of Congress entitled "An act to provide for the acquiring of rights of way of railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 2, 1899, be, and the same hereby is, amended so as to read as follows, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. On page 7, I ask the Senator in charge of the bill if, in his judgment, it is not desirable to add, after the word "heirs," at the end of line 21, the words "who shall show to his satisfaction that they are competent to manage their own business affairs?"

Mr. CLAPP. I would object to that.

Mr. GALLINGER. Very well, then, I will not offer the amendment.

There is one other matter. On page 30, in the Senate committee amendment, I ask the Senator if he thinks mineral lands should be included in that provision?

Mr. HANSBROUGH. What line?

Mr. GALLINGER. Lines 5 and 6.

Mr. DUBOIS. I think not. I intended to offer such an amendment as the Senator suggest, but I did not do so because I thought we could take it out in conference.

Mr. GALLINGER. I move to strike out the words "or mineral lands," in lines 5 and 6; and before the words "timber lands," in line 5, to insert the word "or."

Mr. CLARK of Wyoming. It seems to me that the words "or mineral lands," to meet the purpose of the Senator, should be retained. The words "mineral lands," in line 6, only refer to classification. The provision is that—

The residue or surplus lands * * * shall be classified under the direction of the Secretary of the Interior as agricultural lands, grazing lands, timber lands, or mineral lands.

The Senator will see that that refers simply to the classification.

Mr. GALLINGER. I think the Senator is right.

Mr. DUBOIS. That is right.

Mr. GALLINGER. Manifestly the Senator is right.

Mr. DUBOIS. Yes.

Mr. CLARK of Wyoming. In lines 11 and 12 mineral lands are excepted, as the Senator from Idaho intended.

Mr. DUBOIS. Yes; that is right.

Mr. GALLINGER. I had an impression it was just the reverse of that, as I read it.

The VICE-PRESIDENT. The Secretary will state the first committee amendment which was passed over.

The SECRETARY. On page 8, line 17, in reference to the rate of interest, where it is proposed to strike out "three" and insert "four."

Mr. GALLINGER. I raised the question about that amendment, but I have no disposition to press it at all. I think that 4 per cent is named in the bill in one or two other places. I will ask the Senator from Minnesota if that is not true?

Mr. CLAPP. That is my understanding.

The VICE-PRESIDENT. In the absence of objection, the amendment is agreed to.

Mr. GALLINGER. I will ask the Senator in charge of the bill to refer to line 21, page 33. Has he any objection to this proviso:

And provided further, That any sums placed in the Treasury of the United States to the credit of said Indians shall bear interest at the rate of 4 per cent per annum, which interest shall be expended in the same manner as the principal.

Mr. CLAPP. None at all.

Mr. GALLINGER. I move the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. On page 33, line 21, after the word "otherwise," it is proposed to insert:

And provided further, That any sums placed in the Treasury of the United States to the credit of said Indians shall bear interest at the rate of 4 per cent per annum, which interest shall be expended in the same manner as the principal.

The VICE-PRESIDENT. Without objection, the amendment will be considered as open, and the amendment proposed by the Senator from New Hampshire to the amendment is agreed to. The amendment as amended is agreed to.

Mr. DUBOIS. I desire to offer an amendment.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated.

Mr. LODGE. Is it a committee amendment?

Mr. CLAPP. It is a committee amendment.

Mr. DUBOIS. It is a committee amendment, bearing the recommendation of the Department.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated.

The SECRETARY. On page 26 of the bill—

Mr. LODGE. Before we reach that—

The VICE-PRESIDENT. The Chair will suggest that under the agreement committee amendments are first to be considered. A number of committee amendments have been passed over.

Mr. LODGE. What I desire to address myself to is a committee amendment. I was not going to offer an amendment. It is an amendment which comes before this point is reached.

Mr. DUBOIS. Very well.

Mr. LODGE. I thought we were going to take up the amendments which had been passed over.

Mr. GALLINGER. That is what we ought to do.

Mr. CLAPP. There is no objection to that course.

Mr. LODGE. I thought the Senate had begun to take up the passed-over amendments.

The VICE-PRESIDENT. The Secretary will report the next amendment passed over.

The SECRETARY. On page 19 it is proposed to strike out all after line 24 down to and including line 12 on page 20, and to insert in lieu thereof the following:

That no Army officer shall be engaged in the performance of the duties of Indian agent.

Mr. LODGE. I do not think it possible to dispose of that amendment this evening, unless it is to be disagreed to. There will be a great deal of debate on the amendment.

The VICE-PRESIDENT. The amendment will again be passed over. The Secretary will report the next passed-over amendment.

Mr. CLAPP. Before we go to the next passed-over amendment, I wish to call attention to the necessity or perhaps desirability of striking out in line 8, page 24, the words "at the

city of San Francisco, Cal." and inserting "in such city as the Secretary of the Interior may designate." The suggestion has come from the Department.

Mr. FLINT. I think it will be possible to maintain the warehouse in San Francisco. The present warehouse is in a part of the city that was not destroyed.

Mr. CLAPP. I do not care to press it. It was a suggestion that came to me, and the committee proposed simply to leave it to the Secretary. There is no disposition to take the warehouse away from San Francisco. I withdraw the amendment.

The VICE-PRESIDENT. The Senator from Minnesota withdraws the amendment.

Mr. KEAN. San Francisco will have proper facilities by the 1st of July.

The VICE-PRESIDENT. The next passed-over amendment will be stated.

The SECRETARY. The amendment at the bottom of page 53, directing the Court of Claims to adjudicate the claims against the Choctaw Nation of the heirs of Peter P. Pitchlynn, deceased, etc.

Mr. LODGE. That was passed over at the request of the Senator from Iowa [Mr. ALLISON], who is not present.

The VICE-PRESIDENT. Without objection, it will again be passed over. The next passed-over amendment will be stated.

The SECRETARY. The amendment at the bottom of page 54, removing the restrictions as to the sale, incumbrance, or taxation of lands heretofore allotted to William P. Ross and others.

Mr. LODGE. That amendment was passed over because there was some difference of opinion between the Senator from Wyoming [Mr. CLARK] and myself, I think, as to whether some of them were full bloods or mixed bloods.

Mr. CLARK of Wyoming. No; I beg the Senator's pardon. It was whether the removal of the restrictions had been agreed to by the Secretary of the Interior.

Mr. LODGE. Oh, yes.

Mr. GALLINGER. That was in controversy, and likewise the question whether or not all of these persons with interesting names—French Youngpig and Mase Squirrel—were full bloods. The Department holds they are full bloods, and it seems the committee reports otherwise.

Mr. CLARK of Wyoming. The committee report holds that they are mixed bloods.

Mr. GALLINGER. The committee does?

Mr. CLARK of Wyoming. Yes.

Mr. GALLINGER. But the Department thinks that they ought to come out of the bill on the ground that they are full bloods, and that we have recently legislated on this question.

Mr. CLARK of Wyoming. Inasmuch as the removal of the restriction in this case is simply a commercial proposition, I do not know that it is important.

Mr. LODGE. I should think it would do no harm to take out those whom the Department holds to be full bloods.

The VICE-PRESIDENT. Is there objection to the amendment reported by the committee?

Mr. GALLINGER. I move to amend it by inserting, in line 1, page 55, after the name "Potts," the word "and;" and by striking out, in line 2, the words "French Youngpig and Mase Squirrel."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The next passed-over amendment will be announced.

The SECRETARY. On page 62, the committee report an amendment, to strike out lines 11, 12, 13, and 14, down to and including the word "twenty-seven," in line 15.

Mr. CLAPP. I ask the Senate to disagree to the amendment. The amendment was rejected.

The VICE-PRESIDENT. The next passed-over amendment will be stated.

The SECRETARY. The amendment on page 66, beginning in line 7, down to and including line 15.

Mr. LODGE. That is the one on which I made the point of order.

Mr. CLAPP. I suggest to the Senator from Massachusetts that probably under the circumstances it had better be passed over for the present.

Mr. LODGE. Very well.

The VICE-PRESIDENT. The proposed amendment will be passed over for the present.

Mr. CLAPP. I move to insert, after line 6, on page 66, the following:

That the restrictions upon alienation of the allotment of Ed. L. Rogers are hereby removed, and patent may issue therefor.

The amendment was agreed to.

The VICE-PRESIDENT. The next passed-over amendment will be stated.

The SECRETARY. On page 73—

Mr. LODGE. That amendment is very long. It has been read. I do not see the Senator from Montana here. There are some amendments I wish to suggest to it.

Mr. CLAPP. The Senator from Montana asked that it be passed over.

The VICE-PRESIDENT. The amendment will again be passed over.

Mr. KEAN. Mr. President, does that complete the committee amendments which have been passed over?

The VICE-PRESIDENT. It does, except those further reserved.

Mr. DUBOIS. I have sent an amendment to the desk.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated.

The SECRETARY. On page 26, after the word "dollars," in line 19, it is proposed to insert:

That if any adult member of the Nez Perce tribe of Indians in Idaho believes himself or herself competent to make leases and transact his or her affairs, such member may file a request with the Commissioner of Indian Affairs for a permit to lease the lands which have been allotted to him or her and the minor children of such member.

And if upon consideration and examination of the request, the said Commissioner finds said member to be fully competent and capable of managing and caring for his or her own individual affairs, he may issue a certificate to such member authorizing him or her to make leases or rental contracts for the lands allotted to such member and his or her minor children.

The amendment was agreed to.

Mr. DUBOIS. I offer another amendment.

The SECRETARY. On page 48, after line 9, it is proposed to insert the following:

That in addition to the places now provided by law for holding courts in Indian Territory, courts shall be held in the towns of Wetumka and Checotah, and all laws regulating the holding of courts in the Indian Territory shall be applicable to the said courts created in the said towns of Wetumka and Checotah.

The amendment was agreed to.

Mr. CLARK of Wyoming. I offer the amendment I send to the desk.

The SECRETARY. On page 44, after line 16, it is proposed to insert as a separate paragraph the following:

That section 15 of the act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved ———, 1906, be, and the same is hereby amended by inserting after the word "conveyances," at the end of said section, the following: "Provided, That this section shall not take effect until the date of the dissolution of the tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes."

Mr. LODGE. If the amendment to which this is offered is still open to amendment, I desire to offer an amendment to it. I had supposed that the amendment had been agreed to and would not be open to amendment until the bill got into the Senate.

The VICE-PRESIDENT. The Chair understands that this is a distinct proposition.

Mr. CLAPP. It is.

Mr. LODGE. I have no objection to the amendment, but it was offered to come in at the middle of the committee amendment.

Mr. CLARK of Wyoming. I simply offer it at this point because it has reference to a kindred subject.

Mr. LODGE. I have no objection to the Senator's amendment, but I desire to look into the first part of the committee's proviso about additional pay for these clerks. I have been informed, not from the Department, that the first clause gives a very large increase of pay to these clerks and deputy clerks. In some cases it will result in giving them \$10,000 a year.

Mr. CLARK of Wyoming. Mr. President—

Mr. LODGE. I will be through in a minute. I am not opposing the Senator's amendment at all.

I am informed that it is taken out of money now, under law, devoted to schools. I have sent to the Auditor of the Department of Justice to find out what the salaries and fees of these clerks are, and I should like to know before this amendment is disposed of. But I had assumed that I could not deal with it except in the Senate.

Mr. CLARK of Wyoming. I offer it as an independent paragraph.

Mr. LODGE. Certainly. I have no objection at all to it.

Mr. CLAPP. So far as the committee is concerned, we will hold it open for the Senator.

Mr. LODGE. No. I would just as lief deal with it in the Senate.

Mr. CLAPP. It makes no difference.

Mr. LODGE. I only give notice that I do want to look into it.
The VICE-PRESIDENT. The amendment proposed by the Senator from Wyoming, the Chair understands, is an independent proposition?

Mr. CLARK of Wyoming. It is an independent proposition.
The VICE-PRESIDENT. And is to follow after line 16 on page 44.

Mr. CLARK of Wyoming. Yes; being—
The VICE-PRESIDENT. It is not an amendment to the committee amendment immediately preceding?

Mr. CLARK of Wyoming. It is not.
The VICE-PRESIDENT. The amendment is in order.
Mr. CLARK of Wyoming. There is no objection to the amendment.

The VICE-PRESIDENT. Without objection, the amendment proposed by the Senator from Wyoming is agreed to.

Mr. CLARK of Wyoming. I desire to offer another amendment.

The VICE-PRESIDENT. The additional amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. After line 14, on page 55, it is proposed to insert the following:

That the Secretary of the Interior is hereby authorized and directed to make further investigation of the character, extent, and value of the coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw nations, Indian Territory; and in order that said investigation may be thoroughly practical and exhaustive the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That any and all information obtained under the provisions of this act shall be available at all times for the use of the Congress and its committees.

Mr. GALLINGER. Let the first two or three lines of the amendment be reread.

The Secretary read as requested.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. On page 15 an amendment was agreed to. I think I was absent at the moment. I wish to call attention to the proviso. I do not know whether anything has been done with the proviso.

Mr. GALLINGER. Nothing has been done with it.

Mr. LODGE. If nothing has been done with the proviso, I should like to suggest to the Senator from Minnesota that it might be well to omit the proviso.

Mr. CLAPP. That is simply copied from the law which it amends. It is the law as it reads now.

Mr. LODGE. What law?

Mr. CLAPP. The law approved March 2, 1899.

Mr. LODGE. That law was repealed by section 23 of the act of February 28, 1902, so far as Indian lands in the Indian Territory and Oklahoma are concerned. Rights of way and additional ground in those Territories are granted by the act of February 28, 1902, which act gives the railroads all the necessary legislation and which repealed the act you are here amending so far as those Territories are concerned.

Mr. CLAPP. We amend section 2 of the act approved March 2, 1899, and the object of the amendment is to enlarge the right of acquiring depot grounds.

Mr. LODGE. Yes.

Mr. CLAPP. We read that change into the old law.

Mr. LODGE. My point is that this proviso amends a repealed act.

Mr. CLAPP. I am not so certain about that. It is possible the Senator—

Mr. LODGE. I may be mistaken about it.

Mr. GALLINGER. I do not think you are.

Mr. LODGE. Strike it out, and then it can be looked into in conference.

Mr. CLAPP. It can be looked into in conference.

Mr. LODGE. I merely desired to call the Senator's attention to it.

The VICE-PRESIDENT. The amendment heretofore agreed to will be considered as open, and the amendment to it proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 15, line 24, after the word "road," strike out the colon and insert a period, and strike out the remainder of the paragraph.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to, and the amendment as amended is agreed to.

Mr. GALLINGER. I will ask the Senator from Minnesota if he desires to proceed further with the bill this afternoon? I presume it will have to go over.

Mr. CLAPP. Yes; in the absence of Senators who wish to take up certain matters.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 25, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 24, 1906.

PROMOTION IN THE NAVY.

Commander Charles E. Vreeland to be captain in the Navy from the 13th day of April, 1906, vice Capt. Duncan Kennedy, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 24, 1906.

AUDITOR FOR POST-OFFICE DEPARTMENT.

Ernst G. Timme, of Wisconsin, to be Auditor for the Post-Office Department.

POSTMASTERS.

OHIO.

George H. Clark to be postmaster at Canton, in the county of Stark and State of Ohio.

OKLAHOMA.

Milton C. Garber, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma.

NEW YORK.

Frank B. Dodge to be postmaster at Mount Morris, in the county of Livingston and State of New York.

PENNSYLVANIA.

Allen P. Dickey to be postmaster at Waynesburg, in the county of Greene and State of Pennsylvania.

David Russell to be postmaster at Renovo, in the county of Clinton and State of Pennsylvania.

SENATE.

WEDNESDAY, April 25, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Elam C. Cooper v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

SEYMOUR HOWELL.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting, in response to a resolution of the 23d instant, the papers in connection with the case of Maj. Seymour Howell v. The United States; which, with the accompanying papers, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Cope Whitehouse, of Newport, R. I., relative to certain acts of the Government of Great Britain in the Ottoman Empire inimical to the interests of American citizens; which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a petition of 119 citizens of Mabel, Minn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. BURNHAM presented petitions of the New Hampshire State Grange, Patrons of Husbandry, of Peterboro, N. H.; of the Peerless Motor Car Company, of Cleveland, Ohio, and of Local Union No. 111, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Lynn, Mass., praying for the enactment of legislation to remove the duty on denatured alcohol; which were referred to the Committee on Finance.